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ACTS AND RESOLVES

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

1850:

TOGETHER WITH MEMORIALS TO CONGRESS.

Published by Authority.

MADISON.

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1851

GENERAL AND SPECIAL

STATUTES

OF THE

STATE OF WISCONSIN.

1850.

An Act to appropriate to William R. Smith the sum therein named **Chap. 1.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated, to be paid out of any funds in the State Treasury not otherwise appropriated, to William R. Smith, one hundred and thirty-seven dollars and fifty cents, in full of eleven months salary as Adjutant General of the Militia of the State, due January 1st, 1850, at the rate of one hundred and fifty dollars per annum. W. R. Smith.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, January 21, 1850.
NELSON DEWEY.

An act to appropriate money to pay the postage of the late Secretary of State. **Chap. 2.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to James Morrison postmaster at Madison, forty-two dollars and ninety-one cents out of any money in the State Treasury, being the amount of postage due him from the late Secretary of State on public documents. James Morrison.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,

Approved, January 21, 1850.
NELSON DEWEY.

Chap. 3.

An Act for the relief of the County of Iowa.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Arrearage taxes, &c., remitted.

SECTION 1. The Secretary of State is hereby authorized and required, on his being furnished with satisfactory proof by the Supervisors of the county of Iowa, to certify the amount now standing against said county for arrearage of taxes, that has resulted from double assessment and taxation of property in said county, and the State Treasurer is hereby required to credit the amount so certified to the county of Iowa.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved; January 21, 1850.
NELSON DEWEY.

Chap. 4.

An Act to provide for the assessment and collection of the taxes for the year 1849, in the town of Koskonong.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

To appoint assessors.

SECTION 1. The supervisors of the town of Koskonong, in the county of Jefferson, are hereby authorized to appoint, by warrant under their hands, any number of persons not exceeding five, to make an assessment of the taxable property in said town, who shall, previous to entering upon their duties, severally take and subscribe the oath prescribed by law to be taken and subscribed by town assessors.

Assessment to be made.

SECTION 2. The persons so appointed and qualified, shall thereupon immediately proceed to ascertain and assess the value of the taxable property in said town, and complete, review, correct and certify the assessment roll thereof, in the manner prescribed by an act to provide for the assessment and collection of taxes, passed at the January session of the legislature of the State of Wisconsin in 1849, and shall deliver the same to the town clerk of said town.

To be valid.

SECTION 3. The said assessment roll, when completed and delivered as aforesaid, shall be of equal validity to, and shall have the same force and effect to all intents and purposes, of an assessment roll of said town, made, corrected and delivered, to the town clerk thereof, within the times and in the manner prescribed by said act.

When to be completed.

SECTION 4. The time for the completion and review of said roll shall be the eighteenth day of February, eighteen hundred and fifty, at ten o'clock, A. M. The time for the delivery of a copy of the assessment roll, with the warrant annexed, to the treasurer of said town, is hereby extended to the twenty-fifth day of February, eighteen hundred and fifty, and the time for the pay

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ment of the state and county taxes apportioned to said town, is extended to the twenty-fifth day of March, eighteen hundred and fifty, and the town clerk and treasurer of said town, are hereby invested with all the powers necessary by law, for making out and collecting the town, county, and state taxes within the time above specified. When taxes to be paid.

Section 5. This act shall take effect and be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, January 22, 1850.
NELSON DEWEY.

An act to change the terms of the Circuit Courts herein named. **Chap. 5.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The terms of the Circuit Court in the third judicial circuit, shall be holden at the times and places following, that is to say: Third Circuit.

In the county of Portage, on the last Monday in February, and the first Monday in September in each year.

In the county of Sauk, on the first Monday in March, and the second Monday in September in each year.

In the county of Marquette, on the second Monday in March, and the third Monday in September in each year.

In the county of Columbia, on the third Monday in March, and the fourth Monday in September in each year.

In the county of Dodge, on the fourth Monday of March, and the first Monday in October in each year.

In the county of Washington, on the second Monday in April, and third Monday in October in each year.

Section 2. That the terms of the Circuit Court in the second judicial circuit, in the following named counties, shall be holden at the times and places following, that is to say: Second Circuit.

In the county of Milwaukee, on the second Monday in February, the first Monday in May, and the third Monday in September in each year.

In the county of Dane, on the first Wednesday after the second Monday in April, and the second Monday in October in each year.

Section 3. The persons drawn to serve as petit jurors for the several Circuit Courts in the third and fourth judicial circuits, shall be summoned to appear before said courts, at or before the hour of eleven o'clock, A. M. on the first day of the terms thereof. Petit jurors to be summoned.

Section 4. All writs, summons, indictments, recognizances, and other proceedings, made returnable by any law of this state now in force to the terms of the several circuit courts mentioned Writs &c., when returnable.

dred and twenty dollars, in full for services as commissioner locating state lands.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 26th, 1850.
NELSON DEWEY.

Chap. 11: An Act to amend an act entitled an act to incorporate the village of Sheboygan, and to vacate a part of the plat of said village.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundary of village.

SECTION 1. The limits of said village shall be so extended as to include all piers or wharves extending into Lake Michigan in said village; and the trustees thereof shall have and may exercise the power to pass ordinances or by-laws regulating the construction of all piers, wharves, or docks, in said village, and to prescribe and regulate the prices to be charged for pierage, wharfage, or dockage thereon; and all streets and alleys of said village, north of the north line of Huron street, west of the west line of Twelfth street, and west of the east line of Spruce street, and south of the south line of Kentucky street, are hereby declared vacated and discontinued; [*Provided*, This act] shall not be construed to alter or change the corporate limits of said village.

Compensation and duty of treasurer.

SEC. 2. The annual compensation of the treasurer of said village shall not exceed five per cent. of the tax levied upon the property of the same, to be paid quarterly from the treasury, and he shall pay all moneys which may be collected by virtue of any law, or which may arise from any source, and come into his hands by virtue of his office, into the treasury of said corporation.

SEC. 3. The trustees of said village shall receive no compensation for their services.

SEC. 4. The compensation of the clerk of said village shall not exceed fifty dollars per annum.

SEC. 5. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 26th, 1850.
NELSON DEWEY.

An act in relation to the collection and return of taxes, and sale of lands for unpaid taxes in the city of Milwaukee, for the year 1849. **Chap. 9.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collection and making returns of taxes levied and assessed in the city of Milwaukee for the year 1849, is hereby extended to the second Monday of February, A. D. 1850. Time extended.

SEC. 2. The treasurer of said city is hereby required to cause to be published, in some daily newspaper published in the city of Milwaukee, for fifteen days previous to the second Monday of February, A. D. 1850, the following notice, to wit: Notice is hereby given, that the tax lists of the several wards in the city of Milwaukee for the year 1849, have been placed in my hands for the purpose of collecting the taxes therein contained and mentioned; all persons having taxes to pay will take notice that the same must be paid on or before the second Monday of February, A. D. 1850, or in default thereof, in pursuance of law, I shall on the third Monday of February, A. D. 1850, at 10 o'clock in the forenoon, at the court house in the city of Milwaukee, commence selling the lots and lands in said tax lists contained, upon which any taxes shall remain unpaid, or so much thereof as will pay and satisfy all taxes which may be assessed thereon, together with all costs and other liabilities which shall occur according to law, by advertisement and sale of the same. Treasurer to publish notice. Form of notice.

Given under my hand this day of A. D. 1850.

[Signed] City Treasurer.

SEC. 3. In case the taxes levied and assessed as aforesaid, upon any real estate in said city, shall remain unpaid from and after the second Monday of February, A. D. 1850, the treasurer of said city shall, on the third Monday of February A. D. 1850, commence the sale of said real estate, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed and charged thereon agreeably to law; and said sale shall be conducted in the same manner, and be subject to the same rules, regulations and conditions as is now provided by the act incorporating said city, and the acts amendatory thereto, unless the same shall conflict with the provisions of this act. If taxes remain unpaid the treasurer to make sale.

SEC. 4. This act shall take effect and be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, January 24, 1850.
NELSON DEWEY.

ap. 16. An act to appropriate to James P. Greves the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Greves. Section 1. That there is hereby appropriated to James P. Greves eight dollars, for medical attendance on Palmer and Bonham, state prisoners, up to July 13, 1849, to be paid out of any funds in the state treasury not otherwise appropriated.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 29, 1850.
NELSON DEWEY.

An act to appropriate to J. & W. H. Cary the sum therein named.

ap. 17. *THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

W. H. Section 1. That there is hereby appropriated to J. & W. H. Cary eighty-six dollars and forty-three cents, for clothing furnished state prisoners up to November 5th, 1849, to be paid out of any funds in the state treasury not otherwise appropriated.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 29, 1850.
NELSON DEWEY.

An act to appropriate to Jackson Richardson the sum therein named.

ap. 18. *THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

chardson. Section 1. That there is hereby appropriated to Jackson Richardson two hundred and twenty-six dollars and fifty cents, in full for support of state prisoners to November 10, 1849, to wit: David J. Odel and Levi Bates, to be paid out of any funds in the state treasury not otherwise appropriated.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 29, 1850.
NELSON DEWEY.

An act to appropriate to L. T. Rice the sum therein named. **Chap. 19.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to L. T. Rice two hundred and ten dollars, for guarding state prisoners up to October 31, 1849, to be paid out of any funds in the state treasury not otherwise appropriated. L. T. Rice.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 29, 1850.
NELSON DEWEY.

An act to appropriate to Allen W. Hatch the sum therein named. **Chap. 20.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to Allen W. Hatch twenty-eight dollars and ninety-five cents, for medicines for state prisoners up to November 10, 1849, to be paid out of any funds in the state treasury not otherwise appropriated. A. W. Hatch.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,
Approved, January 29, 1850.
NELSON DEWEY.

An act to change the name of Charles Depue, and constitute him the adopted son of Joseph G. and Emma D. Knapp. **Chap. 21.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Charles Depue, of the town of Madison, in the county of Dane, is hereby changed to that of Charles Depue Knapp, and by the last mentioned name he shall be hereafter known and recognized. Name changed.

SEC. 2. The said Charles Depue Knapp shall be known as the adopted son and heir of Joseph Gillett Knapp and his wife Emma D. Knapp, of the said town of Madison, and entitled to all the rights and privileges, and subject to all the duties of inheritance, support, and maintainance as fully and effectually, and in the same manner as he might or should do, if he were the legitimate child of the said Joseph G. and Emma D. Knapp. Made heir at law.

MOSES M. STRONG,
Speaker of the Assembly,

SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 29, 1850.
NELSON DEWEY.

An act to provide for a final settlement of the location of the county seat of the county of LaFayette.

Chap. 23.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to make statement of votes cast, &c.

SECTION 1. It shall and may be lawful for any elector of the county of LaFayette to make a case, or statement, in the nature of a relation, of the votes cast at the general annual election in said county, in the year of our Lord one thousand eight hundred and forty-eight, upon the question of the location of the county seat of the said county of LaFayette, under and by virtue of the act of the legislature of the late territory of Wisconsin, entitled "an act to authorize the voters of LaFayette county to vote for locating the county seat thereof, approved March 11, 1848," as said votes were returned to the office of the clerk of the board of county commissioners of said county, by the judges of elections, of the several precincts of said county:—And also, in like manner set forth the votes cast at the general annual election in the year of our Lord one thousand eight hundred and forty-nine, upon the question of the removal of the county seat of said county, under and by virtue of an act entitled "an act to authorize the electors of LaFayette county to vote on the removal of the county seat, approved March 31, 1849," as said votes were returned to the office of the clerk of the board of supervisors of said county, by the inspectors of elections of the several towns of said county; and in each case it shall be necessary to copy, literally, the returns so made from each precinct and town. And when such case, or statement is so made, the same shall be presented to the judge of the circuit court of said county, at the next term thereof, or in vacation, or, to any other judge of the supreme court of this state, who shall endorse thereon, or annex thereto, a certificate that the same is full, true, and in all respects correct, and sign the same in his official capacity, if satisfied that such is the fact; and if not so satisfied, then, and in that case such judge shall, from the returns made as aforesaid, amend such case, or statement, until he shall be so satisfied, and shall then make and sign such certificate in manner aforesaid.

Case to be certified to Supreme Court.

SEC. 2. When such case, or statement shall be so made and certified, the said judge shall certify the same up to the supreme court, without delay; and it shall be the duty of the clerk of said supreme court, to enter the same on the calendar of causes in said court, in the manner following, that is to say: In the matter of the county seat of LaFayette county, on the relation of [here inserting the name of the relator,] and thereupon the supreme court shall be fully possessed thereof, and shall proceed therein, as hereinafter directed.

Sec. 3. Such relator shall proceed to make out such case, or statement, and present the same to such judge as aforesaid, without delay, and shall make, or cause to be made out, the points for which he contends, on or before the first day of the next term of the supreme court, after such judge shall certify as aforesaid; and shall file ten copies thereof, with the clerk of said court. Such points shall be printed, or written in a fair legible hand; and thereupon, the relator shall be entitled to argue the points so made, and the case generally, either in person or by counsel, in like manner (as near as may be) as upon a writ of error; said court may also hear counsel in opposition to the relation, as in ordinary cases.—The said supreme court shall then, upon such relation, case, or statement proceed to, and decide where the county seat of said county is, according to the laws and constitution of this state, and shall enter judgment accordingly. Relator to make out his case.

Sec. 4. Until such judgement shall be rendered as provided in the third section of this act, no further expenses shall be incurred, contract or contracts made, by, or with said county, by any person or persons, officer or officers, board or boards, on account of, in relation to, for, or about the erection, or purchase of public buildings for said county. Point to decide.

Sec. 5. The costs in proceedings under this act shall consist of the fees of the clerk of the supreme court, and shall be paid by the relator, in case the final decision of the supreme court shall be against the positions by him assumed, otherwise the cost shall be paid by the county of LaFayette aforesaid. No building contracts to be let until case disposed of.

Sec. 6. It shall be the duty of the governor to cause this act to be published without delay; and when the same is so published shall take effect. How costs paid.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 29, 1850.
NELSON DEWEY.

An act to legalize a certain road in Fond du Lac and Columbia counties.

Chap. 24.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

That the road running from Waupun, in Fond du Lac county to Fox river bridge in Columbia county, as laid out by Minus Collins, William Jones, and F. Dexter, be, and the same is hereby declared a legal highway. Road legalized.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 29, 1850.
NELSON DEWEY.

Chap. 26. An act authorizing and requiring the State Treasurer to credit the county of Dane the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Treasurer shall pay Dane county.

SECTION 1. The state treasurer is hereby authorized and required to credit the county of Dane on the state tax charged to said county for the year eighteen hundred and forty-eight, with the sum of one hundred and twenty-six dollars, being the amount of tax on the sum of twenty-eight thousand dollars, which sum, over and above the true amount of the assessed value of the taxable property of said county for the year eighteen hundred and forty-eight, was erroneously returned to the secretary of state, by the clerk of the board of supervisors of said county of Dane.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate,
Approved, January 29, 1850.
NELSON DEWEY.

Chap. 27. An act on the subject of Canada Thistles.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

No person shall permit Thistles to go to seed.

SECTION 1. No person or persons residing upon or occupying any land within this state, either as owner, lessee, or otherwise for purposes of cultivation, shall knowingly permit or allow the weed known as "Canada Thistle," to go to seed on such land, under the pains and penalties prescribed in the following section:

Guilty of misdemeanor.

SEC. 2. Any person or persons violating the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine not exceeding five nor less than one dollar.

Justices have jurisdiction.

SEC. 3. Justices of the Peace shall have jurisdiction within their respective counties of all violations of the provisions of this act, and it shall be competent for any person to complain of and prosecute any person or persons violating the same.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate:
Approved January 29th, 1850.
NELSON DEWEY.

An act to provide for re-printing an act entitled an act to incorporate the Milwaukee Mutual Fire Insurance Company, approved December 27, 1837. **Chap. 29.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Preamble. SECTION 1. Whereas, copies of the act entitled "an act to incorporate the Milwaukee Mutual Fire Insurance Company" are difficult to be obtained, and it is desirable to have other copies in print, duly authenticated for public use, the secretary of state is hereby directed to cause to be printed with the session laws of the year 1850, the said act, which is in the following words and figures:

An act to incorporate the Milwaukee Mutual Fire Insurance Company.

Names of corporators. SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:* That George D. Dousman, William Brown, John Y. Smith, Allen O. T. Breed, Horace Chase, Brazilla Douglass, Enoch Chase, James Sanderson, John Ogden, David S. Hollister, Luther Childs, Sylvester W. Dunbar, Jeremiah Zander, Joseph Sherwood, Hubbell Loomis, Lewis J. Higby, William Payne, Allen W. Hatch, Asa Kinney, Henry Miller, James B. Miller, Solomon Juneau, William M. Dennis, H. Higgins, George W. Willard, Elisha Starr, A. Sidney Hosmer, John Gall, Henry Williams, Hans Crocker, William N. Gardner, J. K. Lowry, G. S. Willis, Joshua Hathaway, Jr., Albert Fowler, Philander Bird, Thomas J. Noyes, Benjamin H. Egerton, James Rogers, Jacob M. Rogers, William Shor, Samuel Hinman, Benona W. Finch, Enoch Darling, Silas Juneau, J. Fowler, Jr., George Reed, Andrew J. Vieau, Jared F. Ostrander, L. Blanchard, William R. Longstreet, Charles W. Leland, Ira Stewart, William P. Proudfit, Byron Kilbourn, S. W. Cowles, Henry M. Hubbard, Thomas Sanburn, Chauncey H. Peck, Samuel Brown, Morris Pixley, A. Foster, Daniel H. Richards, William Nobles, Paul Burdick, David Curtis, William A. Prentiss, William Gorham, I. A. Lapham, Owen Aldrich, Cyrus Hawley, P. W. Leland, Augustus Peters, C. D. Fitz, Levi Vail, Samuel Sanburn, Sylvester Pettibone, N. F. Hyer, John P. Hilton, Jonathan E. Arnold, L. I. Barber, Philip Schuyler, George J. Goodhue, Robert Masters, John Mandeville, Thomas Brayton, William Holmes, William A. Kellogg, William P. Cully, Pleasant Field, A. F. Pratt, Charles P. Everts, T. C. Dousman, William A. Webber, Hugh Wedge, Byron Giroin, James Ross, William Burdick, S. Evans, H. H. Brannon, John W. Pixley, George S. West, Alfred Orendorff, George Bowman, and their associates, and all such persons as shall hereafter have property insured by said company, shall be and hereby are ordained, constituted, and declared to be a body corporate and politic in fact and in name, by the name of the Milwaukee Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture and merchandize, against loss or damage by fire. And the said company or corporation shall

Objects of incorporation.

conform to the requisites of this act as hereinafter described.

Who to be members.

Sec. 2. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators, and assigns continuing to be insured therein, as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act; and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors: and that George D. Dousman, Henry Miller, Allen W. Hatch, L. J. Higby, B H. Egerton, David S. Hollister, Jeremiah Zander, Luther Childs, James Sanderson, Chauncey H. Peck, Henry M. Hubbard, William P. Proudfit, and Samuel Hinman, shall be the first directors of said corporation, and shall continue in office for the period of one year, and until others may be chosen, and no longer, which directors shall be elected on the first Monday in January in each year, at such time and place at Milwaukee, in the county of Milwaukee, as the board of directors for the time being shall appoint, of which election public notice shall be given, in one of the newspapers printed in said county or territory, and by posting a notice in at least three public places in said village of Milwaukee, at least thirty days previous to said election. And it shall be the duty of the acting president of the said board to cause all notices to be given according to the provisions of this act, under the penalty of such fine as the board at its next sitting shall adjudge best. No election held at the time provided in this act shall be void or illegal by the neglect of the proper notice, and such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors, and such election shall be made by ballot and by a plurality of the votes of the members present or their proxies allowing to each member one vote.

First directors.

Term of office.

Election, &c.

President to give notice.

Informal election not illegal.

Directors to choose a president.

Sec. 3. The directors hereinafter named shall as soon as may be after the passage of this act, and the directors to be chosen at such annual election shall as soon as may be thereafter, proceed to choose out of their number, one person to be president, and in case of the death, resignation, or inability to serve of the president or any director of said corporation, such vacancy may be filled for the remainder of the year by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tem., who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Member to deposite a premium note &c.

Sec. 4. Every person who shall become a member of said company by effecting insurance therein, before he receives his policy shall deposite his premium note for such a sum of money as shall be determined by the directors; a part not exceeding seven per cent. of said note, shall be paid on deposite; and the remainder of said deposit note shall be payable in part, or the whole, at any time when the directors shall deem the same requisite, for the payment of losses by fire, and such incidental expenses as shall be

necessary for transacting the business of said corporation; and at the expiration of the term of insurance, the said note or such part of the same as shall remain unpaid after deducting all losses, and expenses during the term, shall be relinquished and given up to the maker thereof. And it shall be lawful for said company to loan such portion of their money on hand as shall not be wanted immediately for the purposes of said corporation, to be secured by bond and mortgage on real estate of double the value of the sum loaned, above all incumbrances for a term of time, not exceeding one year, the interest to be paid half yearly, and in default of such payment, the principal as well as interest, to become immediately due and collected. Lawful to make loans.

Sec. 5. And said company shall have a lien in the nature of judgment, waiving the right of inquisition, upon all the said property of the insured, to the amount of his deposite note, or so much thereof as may be unpaid, which shall continue until the amount of such note, with interest and costs of execution, if any shall have been paid or satisfied according to the provisions of this act: *Provided*, Said corporation shall file in the office of the register of deeds, of the county wherein such real estate shall lie, a memorandum of the name of the individual insured, a description of the property, the amount of the deposite note unpaid, and the term for which the insurance shall continue. And the register with whom the same shall be filed, is hereby required to enter the same at large upon his judgment records, and the same when so entered shall be deemed, and taken to be in all respects as a judgment entered upon confession by virtue of a warrant of attorney, and execution may at any time be had thereof for so much as by virtue of this act may be due and demandable, but the lein thereof shall commence with the filing of such memorandum, in the office of the register aforesaid. Lien for amount of the deposite note. Proviso.

Sec. 6. The policies of insurance and other contracts founded thereon, hereafter to be made or entered into by said corporation though not under seal, if subscribed by the president or in case of his absence, resignation, or inabilty to act, by such officer or officers, person or persons as may be for the purpose authorized by the act of incorporation, or the by-laws of the said corporation, countersigned by the secretary; shall be binding and obligatory upon the said corporation, and shall have the like effect to all intents and purposes, as if the seal of said corporation had been, or was affixed thereto. And further, all such policies or contracts, may be so signed or attested, and all other business of the said corporation may be conducted and carried on by committees, or otherwise, without the presence of the board of directors, and shall be binding and obligatory on the said corporation, if the same shall be done under or in conformity to the by-laws and ordainances of the said corporation. Policies &c. to be binding.

Sec. 7. In case any person or persons insured named in any policy or contract of insurance made by the corporation hereby created, shall sell and convey or assign the subject insured, during Polices transferable.

the period of time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers, such policy or contracts of insurance, and such assignee or assignees shall have all the benefits of such policy or contracts of insurance; and may bring and maintain a suit thereon, in his, her, or their own name or names: *Provided*, That before any loss happens, he, she, or they shall obtain the consent in writing of the said corporation to such assignment, and have the same endorsed on or annexed to the said policy of insurance as matter of right.

Proviso.

SEC. 8. Suits at law may be maintained by said corporation, against any of its members for the collection of the said deposite notes; or for any cause relating to the business of the said corporation, or against any person for moneys due said corporation, or for injury done to their corporate property, books, or papers, or for causing the destruction by fire of any property by them insured, and for no other cause. And it shall be lawful for the said corporation to take and hold any real estate, bona fide mortgaged or pledged to said corporation, by way of security for the payment of any debt which may be contracted with the said corporation, but said corporation shall not hold any property except what may be absolutely necessary for the transaction of their corporate business; and all real estate purchased by said company for the purpose of collecting or securing debts shall escheat to the territory or state, as the case may be, unless the same shall have been sold and disposed of and passed bona fide from the possession and ownership of the said corporation within six years next succeeding such purchase; also suits at law may be maintained against said corporation by any member thereof, for losses or damage by fire if payment is withheld more than three months after the company is duly notified of such loss, and no member not being in his individual capacity interested shall be incompetent as a witness in any such case as the aforesaid, on account of his being a member of said corporation.

Certain suits may be brought.

May hold real estate.

Interest as a corporator no disqualification to give testimony.

SEC. 9. The directors shall after receiving notice of any loss or damage by fire sustained on property insured by said corporation, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportions of such loss, and publish the same as they may see fit, or in such manner as their by-laws shall have prescribed, and the same to be paid by each member, shall always be in proportion to the original amount of his deposite note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notices, and if any member shall for the space of thirty days after the publication of said notices neglect or refuse to pay the sums assessed to him, as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposite notes or note, with costs of suit, or may have execution for the whole amount as provided in the fifth section of this act, and the amount thus collected shall remain in the

Directors to assess and collect, to pass for losses, &c.

treasury of said corporation subject to the payment of such delinquents proportion, on future losses and expenses, and the balance if any remain shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

On failure of funds how to proceed.

Sec. 10. If the available funds on hand, and the amount of deposite notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the suffers insured by said company shall receive towards making their respective losses, a proportionate dividend of the whole amount of said deposite, according to the sums to them respectively insured; and in addition thereto, a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposite notes, but not exceeding one dollar to every hundred dollars to them respectively insured; and no member shall be required to pay for any loss occasioned by fire, at any one time more than one dollar on every hundred dollars insured in said company, in addition to his deposite note, nor more than that amount for any such loss, after his said note shall have been paid in and expended, but any member upon payment of the whole of his deposite note, and surrendering his policy before any subsequent expenses or loss has occurred, may be discharged from said company: *Provided*, No policy shall be issued by said company till application be made to such company for insurance to the amount of twenty thousand dollars at least, and no insurance shall be made by said company for a longer period than seven years.

Election of directors, &c.

Sec. 11. If it shall happen at any time that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, (by a notice being given by any member of such company) in manner as provided in the second section of this act.

When business to be carried on.

Sec. 12. The operations and business of the Milwaukee Mutual Fire Insurance Company, shall be carried on in the village of Milwaukee, Wisconsin Territory, and this act shall take effect immediately after its passage, and shall continue in force twenty years, but the legislature of this territory or state, as the case may be, may at any time alter, modify, or amend its provisions.

Powers of corporation.

Sec. 13. The corporation hereby constituted, may have and use a common seal, may sue and be sued, plead and be impleaded by said corporate name, and the president and directors of said corporation shall have power to appoint such officers, agents, and servants as they may find necessary, prescribe their duties and require bonds for the faithful performance thereof, and may from time to time adopt such by-laws and regulations for the transaction of the business of said company as they may deem expedient; such by-laws and regulations not to be inconsistent with the constitution and laws of the United States, or of this Territory; and such laws shall determine as near as practicable the rates of insurance on the

different classes of property, and the sums to be deposited for any insurance. They shall also fix the sum to be insured, and the majority of the whole number of directors shall constitute a quorum for the transacting any business required by this act.

To take an oath.

SEC. 14. The directors, before they execute any of the duties of their office, except choosing a president, shall severally take an oath or affirmation that they will faithfully, diligently, honestly, and impartially perform the duties of their respective offices, according to the best of their skill and abilities.

Effect of insurance without notice, in any other co.

SEC. 15. If any insurance shall subsist in said company and at or in any other office of insurance, or for any other person or persons, against the loss by fire, at the same time the said insurance made by the company established under this act shall be deemed and become absolutely void, unless such double insurance subsist with the consent and approbation of the company.

Approved, December 27, 1837.

Effect of republication.

SEC. 2. Copies of the said act published as provided in the preceding section shall have the same force and effect, and be of like authority in all courts of justice as copies of the original act heretofore printed and published by the Territory of Wisconsin: *Provided*, That this act shall give no force to the act so to be published beyond what the printed copies now have.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, January 29, 1850.
NELSON DEWEY.

Chap. 33.

An act for the relief of Mary Kinner and Mary C. McCoy.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Title to be vested &c.

SECTION 1. That a full and perfect title in fee simple to lots marked on the plats of the United States survey, as lots No. 1, 2, 3, and 4, in section No. seven, (7,) township No. sixteen, (16,) north of range No. twelve, (12,) east of the fourth principal meridian; the same containing, according to said survey, two hundred and five, 30-100 acres, be, and the same hereby is, vested in John Shaw, for the sole use and benefit of Mary Kinner and Mary C. McCoy and their heirs.

How land sold.

SEC. 2. The said John Shaw may, at any time with the consent of said Mary Kinner and Mary C. McCoy, convey and dispose of said land, or any part thereof. And the said John Shaw is hereby authorized and empowered, in case of any such conveyance or disposal, to make and deliver all deeds and other instruments necessary to pass the title in fee, or any interest of the said Mary Kinner and Mary C. McCoy in and to said land to the purchaser or purchasers thereof.

SEC. 3. The treasurer of the board of public works be, and he is hereby directed, to account to the treasury of said board of public works, for the sum of two hundred and fifty-five 85-100 dollars, being the amount in full paid by John Shaw, for the tracts of land described in this act, in the same manner all other monies coming into said treasury are required to be accounted for by said treasurer: *Provided*, He produces and delivers up to said treasurer his receipts thereof. Treasurer of Board of Public Works to account, &c.

SEC. 4. This act shall take effect from and after its passage, all laws now in existance to the contrary notwithstanding.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, January 29, 1850.
NELSON DEWEY.

An act to amend an act entitled "an act to incorporate the Wisconsin Phalanx." Chap 34.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled "an act to incorporate the Wisconsin Phalanx," approved February 6, 1845, is hereby so amended, as to allow and authorize the council to sell and convey real estate by their official act; also to lay out and have recorded a village plat with streets and squares, and public lots. Council authorized to sell &c.

SEC. 2. The said act is further amended by repealing sections sixteen and seventeen of the same.

SEC. 3. It shall not be lawful for the council or other officers of said Phalanx to purchase real estate in their corporate capacity after the passage of this act.

SEC. 4. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,

Approved, January 29, 1850.
NELSON DEWEY.

An act to provide for the payment of the salaries of State Officers. Chap. 35.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby annually appropriated to be paid out of the state treasury, for the objects hereinafter named, to wit:

For the salary of governor, the sum of twelve hundred and fifty dollars. Governor.

Secretary of State. For the salary of secretary of state, the sum of twelve hundred dollars.

Treasurer. For the salary of state treasurer, the sum of eight hundred dollars.

Attorney General. For the salary of attorney general, the sum of eight hundred dollars.

Superintendent. For the salary of state superintendent of public instruction, the sum of one thousand dollars.

Judges. For the salaries of the judges of the circuit courts, the sum of fifteen hundred dollars each.

Librarian. For the salary of state librarian, the sum of three hundred dollars.

When payable. SEC. 2. The salaries of the above named officers shall be drawn from the state treasury, in equal quarterly payments, payable upon the first day of January, April, July, and October, of each year.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 30, 1850.
NELSON DEWEY.

Chap. 36.

An act to appropriate to George H. Slaughter the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

G. H. Slaughter. SECTION 1. There is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, to G. H. Slaughter the sum of seventy-two dollars, in full for one hundred and forty-four township plats furnished commissioners to locate state lands.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 30, 1850.
NELSON DEWEY.

Chap. 37.

An act to change the name of Eliza C. Wyman.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed. SECTION 1. The name of Eliza C. Wyman is hereby changed to Eliza C. Brooks.

SEC. 2. This law shall take effect immediately.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 30, 1850.
NELSON DEWEY.

An act to provide for the assessment and collection of taxes for the year 1849, in the town of New Berlin. Chap. 38.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisors of the town of New Berlin, in the county of Waukesha, are hereby authorized to appoint, by warrant under their hands, any number of persons not exceeding five, to make an assessment of the taxable property in said town, who shall at the time, be residents thereof; and shall, previous to entering upon their duties, severally take, and subscribe the oath prescribed by law to be taken and subscribed by town assessors. Supervisors to appoint assessors.

SEC. 2. The persons so appointed and qualified, shall thereupon immediately proceed to ascertain and assess the value of the taxable property in said town, and complete, review, correct, and certify the assessment roll thereof, in the manner prescribed by an act to provide for the assessment and collection of taxes, passed at the January session of the legislature of the state of Wisconsin, in 1849, and shall deliver the same to the clerk of said town. Duties of persons so appointed.

SEC. 3. The said assessment roll, when perfected and delivered as aforesaid, shall be of equal validity to, and shall have the same force and effect to all intents and purposes as an assessment roll of said town, made, constituted, and delivered to the town clerk thereof, within the times and in the manner prescribed by said act. Validity of assessment roll.

SEC. 4. The time for the completion and service of said roll, shall be the 16th day of February, 1850, at 1 o'clock A. M. The time for the delivery of the assessment roll, with the warrant annexed, to the treasurer of said town, is hereby extended to the 23d day of February, 1850; and the time for the payment of the state and county taxes apportioned to said town, is extended to the 25th day of March, 1850; and the town clerk and treasurer of said town, are hereby invested with all the powers necessary by law, for making out and collecting the town, county, and state taxes, within the time above specified. Time of delivery extended.

SEC. 5. This act shall take effect, and be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 29, 1850.
NELSON DEWEY.

An act for the division of the county of Racine and the erection of the county of Kenosha. Chap. 39.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the present county of Racine, lying within the following boundaries, to wit: Commencing at the south-west corner of said county, and running thence east on Boundaries of county of Kenosha.

the state line to the centre of lake Michigan, and the south-east corner of said county, thence northerly through the centre of lake Michigan to the town line between towns two and three, thence westerly on said town line to the eastern line of the present town of Burlington, thence southerly on said eastern line of the town of Burlington to the south-east corner thereof, thence westerly on the south line of the said town of Burlington, to the east line of the county of Walworth, thence southerly on said east line of Walworth county to the place of beginning, is hereby set off and erected into a separate county, under the name and title of Kenosha.

SEC. 2. That said county of Kenosha is hereby erected, established, and organized, with all the rights, powers, and privileges by law granted to other counties of this state, and subject to all general laws established for county government.

Election of county officers

SEC. 3. That on the first Tuesday of April next, the electors resident within said new county, shall meet in their respective towns at the usual place of holding elections, and then and there proceed to elect all and every of the county officers provided by law for county government, which said officers shall hold their offices when duly qualified until the expiration of the term of similar offices in other counties.

Election of county judge.

SEC. 4. That on the first Monday of May next, there shall be elected by the qualified electors of said county of Kenosha, a county judge, in accordance with the provisions of chapter eighty-six of the Revised Statutes of Wisconsin, who shall hold his office under the same terms and restrictions, and with the same limitation as is provided by said act for county judges. The county courts of said county shall be held in accordance with law at such place in the village of Southport as shall be designated by the supervisors of the county, until the completion of the court house therein.

Where court held.

County seat.

SEC. 5. The present village of Southport is hereby declared to be the county seat of said county of Kenosha. The circuit court of the first district of Wisconsin shall hold its session at said county seat of Kenosha, commencing on the fourth Monday of May, and on the fourth Monday of November in each year, the first term to be held on the fourth Monday of November next.

Indebtedness of Racine co. to be paid.

SEC. 6. The liabilities or indebtedness of the present county of Racine shall be paid, satisfied, and discharged rateably by said county of Racine and county of Kenosha, according to the last assessment of Racine county, except so far as the county of Racine shall have a fund on hand or in prospective, which said fund shall be used in discharge of such indebtedness, and except further that any new liability of said county arising from any and all erections, alterations, or repairs of county buildings, which said liabilities shall be a charge upon the county of Racine, and in case there is a county fund on hand, the same shall be divided between said counties at the same rates as that for the discharge of indebtedness.—The board of supervisors of either county shall have power to audit claims for which both counties are liable.

Fund to be divided.

Sec. 7. The county of Kenosha shall have no claim against the county of Racine on account of the county buildings therein situate.

Sec. 8. All process, appeals, recognizances, and other proceedings commenced either in the circuit court for the county of Racine, or in the county court of said county, prior to the first Monday of March next, shall be prosecuted to final judgment therein, in the same manner they might have been had this act not have been passed. Actions in court to be prosecuted.

Sec. 9. The county of Kenosha shall constitute the sixteenth senatorial district, and any part of the sixteenth district as before limited, which may be situated north of the north line of said county of Kenosha is hereby attached to the seventeenth senate district. 16th Senate district.

Sec. 10. It shall be the duty of the county supervisors elected at the next April town election, within the limits of said county of Kenosha, to meet at the Durkee House in the village of Southport, on the first Monday of May next, at ten o'clock, A. M., and organize a board of county supervisors, shall then proceed to select within the limits of said town of Southport, suitable and convenient grounds for the erection of a court house and other county buildings, and also to procure a suitable room for the county courts: *Provided*, Section eleven of this act shall have been complied with. Duty of supervisors.

Sec. 11. There shall be executed to the treasurer of the county of Kenosha and his successors in office, a good and sufficient bond in the penal sum of twenty thousand dollars, by five or more good and responsible persons to be approved by the judge of the first judicial circuit of the state of Wisconsin, conditioned, that they will erect or cause to be erected, free of expense or charge to the county of Kenosha, upon lands to be located by the supervisors, a good, ample and sufficient court house, jail, and fire proof register's and clerk's offices, to be approved and accepted by the supervisors of the county. The court house to be completed and ready for use by the first Monday of November next, and the jail and offices of clerk and register within one year, and further, shall cause to be erected in the county a good, ample, and sufficient title of warrantee, free of all costs or charge, the lands located by the supervisors for such county purposes, with the appurtenances, within thirty days after the selection thereof by said supervisors, said bond shall be filed with the treasurer of the state of Wisconsin, for the use of said county, on or before the first Monday of March next, and the certificate of the state treasurer of the receipt of such bond so approved, published in a newspaper in said proposed county, shall be evidence of the compliance with the terms of this section. Bond to be given to treasurer of Kenosha. County buildings to be erected.

Sec. 12. This act shall take effect immediately upon the filing of the bond provided for in the eleventh section of this act: *Pro-* When act take effect.

vided It be filed within the time therein limited and not otherwise.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 30 1850.
NELSON DEWEY.

Chap. 40. An act relating to the assessment and collection of the highway tax for the year 1849, in the town of Hazel Green.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act legalized. SECTION 1. That the action of the supervisors of the town of Hazel Green in the county of Grant, relative to the assessment of the highway tax in said town in the year 1849, be, and the same is hereby declared legal.

SEC. 2. The unpaid portion of said tax, shall or may be collected and applied as the law provides.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, January 30, 1850.
NELSON DEWEY.

Chap. 41. An act to legalize the acts of joint school district number four, in the towns of Jefferson and Aztalan.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the acts of the school commissioners in forming the present joint school district, number four, in the towns of Jefferson and Aztalan, shall not effect or prevent the said joint school district number four, from exercising through its proper officers all the rights and privileges that they would have been entitled to had said act been strictly legal.

SEC. 2. The officers of said district are hereby authorized to levy and collect a tax in said district, in pursuance of a vote of the same, for the erection of or payment for a school house in said district.

SEC. 3. This act shall be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate:
Approved February 1, 1850.
NELSON DEWEY.

An act relative to the location of a School House to be erected by Union School District No 1, Town of Beloit, County of Rock. Chap. 42.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Union School District No. 1, Town of Beloit, County of Rock, are hereby authorized to erect a school house on such part of the grounds laid out as a Public Square as said district shall decide upon. District authorized to erect house.

SEC. 2. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act legalizing the acts of Isaiah W. Thayer, as Town Superintendent of Schools for the Town of Beloit, County of Rock. Chap. 43.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. All the acts of Isaiah W. Thayer, as town superintendent of common schools for the town of Beloit, county of Rock, shall be deemed to possess the same force and value, in law, as if he had been duly elected to fill that office at the last election held for that purpose, and had proceeded according to law in the discharge of his duties. Acts of I. W. Thayer legalized.

SEC. 2. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act to provide for the protection of married women in the enjoyment of their own property. Chap. 44.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The real estate, and the rents, issues, and profits thereof, of any female now married, shall not be subject to the disposal of her husband, but shall be her sole and separate property, as if she were a single female.

SEC. 2. The real and personal property of any female who may hereafter marry, and which she shall own at the time of marriage, and the rents, issues, and profits thereof, shall not be subject

to the disposal of her husband, nor be liable for his debts, and shall continue her sole and separate property.

SEC. 3. Any married female may receive by inheritance, or by gift, grant, devise, or bequest, from any person, other than her husband, and hold to her sole and separate use, and convey and devise, real and personal property, and any interest or estate therein, and the rents, issues and profits, in the same manner and with like effect as if she were unmarried, and the same shall not be subject to the disposal of her husband, nor be liable for his debts.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act to authorize the laying out of a road therein named.

Chap. 45.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That John R. Smith, Resin Barnes and John J. Mathews, be, and they are hereby appointed commissioners to lay out and establish a state road, beginning at Richmond, in Richland county, on the nearest and best ground to Springville Postoffice, in Crawford county.

Commissioners to lay out a road.

SEC. 2. The said commissioners shall not be entitled to any compensation for the services rendered under this act.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act to change the name of the village of Rochester in Sheboygan county.

Chap. 46.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the village of Rochester, in the county of Sheboygan, is hereby changed to Sheboygan Falls, by which name it shall hereafter be known in all places whatsoever.

Name changed.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act amendatory of the act entitled "Of wills of real and personal property." Chap. 47.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. No will made within this state, except such nuncupative wills as are mentioned in section numbered six, of chapter sixty-six of the Revised Statutes, shall be effectual to pass any estate, whether real or personal, nor to change or in any way affect the same, unless it be in writing, and signed by the testator, or by some person in his presence, and by his express direction, and attested and subscribed in the presence of the testator by two or more competent witnesses, and if the witnesses are competent at the time of attesting the execution of the will, their subsequent incompetency, from whatever cause it may arise, shall not prevent the probate and allowance of the will, if it be otherwise satisfactorily proved. No will shall be effectual unless in writing.

Sec. 2. The preceding section shall be regarded and construed as section five of chapter sixty-six of the Revised Statutes.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act to provide for recording patents. Chap. 48.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Patents issued by the government of the United States, of land lying in this state, shall be allowed to be recorded in the office of the register of deeds in the county in which the land for which the patent may have been issued, shall be situated: *Provided*, That nothing herein contained shall make it obligatory upon the holders of such patent, to have them recorded. Patents may be recorded.

Sec. 2. The record of patents of the United States, so recorded, shall be admitted to be read in evidence in the courts of this state, in the same manner and with the same effect as is now allowed by law to records of deeds duly executed. Record received as evidence.

Sec. 3. The register of deeds shall be allowed the same fees for recording patents as is now allowed by law for recording deeds. Fees for recording.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

Chap. 49. An act supplementary to the several acts relating to the Milwaukee and Waukesha rail road company, approved February 11th, 1847.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Name of company changed.

SECTION 1. The second section of the act to incorporate the Milwaukee and Waukesha rail road company, is hereby so amended as to change the name and style thereof, and it is hereby enacted that said corporation, shall hereafter be known by the name and style of the "Milwaukee and Mississippi rail road company," and whenever the former name shall occur in any law, or proceeding, the latter name shall be substituted, and understood therefor; and further, the affairs of said corporation shall be managed by a board of not less than nine, nor more than fifteen directors, as may be provided by the by-laws of said company from time to time, instead of nine directors as provided by the fourth section of the act to which this is amendatory, and said section is hereby so amended.

Number of directors fixed.

Company may enter upon and make use of lands.

SEC. 2. It shall be lawful for said company, their officers, engineers and agents, to enter upon lands adjacent to the rail road beyond the limits of four rods, in the manner provided in the tenth section of said act, when necessary for the purpose of erecting depot buildings, station-houses, and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving a proper direction to water courses, across or along said road, when the same are necessary beyond the said limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth and gravel taken from deep cuts, and to obtain earth, gravel, and other materials for embankments, and structures, necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands, or property, under the provisions of this section, shall be ascertained and paid for in the manner and agreeable to the provisions contained in the eleventh section of the said act, and when such damages shall have been paid, or tendered, the title to the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said company agreeable to the provisions contained in the twelfth section of the act aforesaid.

Rail road company may construct their road across or upon other roads.

SEC. 3. In cases where said rail road may cross, or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said rail road, across or upon such road, after altering and putting the same in as good condition as before, and for that purpose, the said company shall previous to occupying any part of such road, construct a new road, in part, or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road, or part of a road, and put the same in as good repair and condition as the road, so interfered with, was

previous to the disturbance and occupancy thereof by said company.

Persons injuring road guilty of misdemeanor.

Sec. 4 Any person who shall wilfully and maliciously place any obstruction or thing on the track of said road, or shall remove, or damage any part thereof, in such a manner that the cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor, whether such accident shall actually take place or not, and shall be punished for every such offence, by imprisonment in the state prison for a term not less than one year nor more than five years, at the discretion of the court, and in case any damage shall result from the placing of such obstruction, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person who may be damaged thereby, and in case any accident shall happen in consequence of placing such obstructions, or in consequence of breaking or injuring said road whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeable to the law in such case made and provided.

How punished

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act to provide for the incorporation of Orphan Asylums.

Chap 50.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Five or more persons may make certificate.

SECTION 1 Any five or more persons in any county in this state desirous of forming a corporation for the purpose of establishing and maintaining an asylum for the support and education of orphans may make, sign, and acknowledge before some officer authorized to take the acknowledgement of deeds, a certificate in writing, in which shall be stated the name of such corporation, the number of officers and their names, who shall manage the concerns of said corporation for the first year, and the name of the city, village or town, and county, in which such asylum is to be established

Certificate how filed.

SEC 2. Such certificate shall be filed in the office of the register of deeds of the county in which such asylum shall be established, and a duplicate thereof, shall be filed in the office of the secretary of state.

Powers, &c., of corporation.

SEC. 3. The corporation so established shall be invested with and entitled to all the powers and privileges, and be subject to all the liabilities prescribed in chapter fifty four of the Revised Statutes, entitled "general provisions relating to corporations," so far as the same may be applicable.

Corporation may receive donations, &c.

SEC. 4. It shall be lawful for such corporation to receive donations and bequests and to apply the same for the purposes afore-

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Number of directors fixed.

Company may enter upon and make use of lands.

SEC. 2. It shall be lawful for said company, their officers, engineers and agents, to enter upon lands adjacent to the rail road beyond the limits of four rods, in the manner provided in the tenth section of said act, when necessary for the purpose of erecting depot buildings, station-houses, and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving a proper direction to water courses, across or along said road, when the same are necessary beyond the said limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth and gravel taken from deep cuts, and to obtain earth, gravel, and other materials for embankments, and structures, necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands, or property, under the provisions of this section, shall be ascertained and paid for in the manner and agreeable to the provisions contained in the eleventh section of the said act, and when such damages shall have been paid, or tendered, the title to the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said company agreeable to the provisions contained in the twelfth section of the act aforesaid.

Rail road company may construct their road across or upon other roads.

Sec. 3. In cases where said rail road may cross, or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said rail road, across or upon such road, after altering and putting the same in as good condition as before, and for that purpose, the said company shall previous to occupying any part of such road, construct a new road, in part, or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road, or part of a road, and put the same in as good repair and condition as the road, so interfered with, was

previous to the disturbance and occupancy thereof by said company.

Persons injuring road guilty of misdemeanor.

Sec. 4. Any person who shall wilfully and maliciously place any obstruction or thing on the track of said road, or shall remove, or damage any part thereof, in such a manner that the cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor, whether such accident shall actually take place or not; and shall be punished for every such offence, by imprisonment in the state prison for a term not less than one year nor more than five years, at the discretion of the court, and in case any damage shall result from the placing of such obstruction, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person who may be damaged thereby, and in case any accident shall happen in consequence of placing such obstructions, or in consequence of breaking or injuring said road whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeable to the law in such case made and provided.

How punished

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act to provide for the incorporation of Orphan Asylums.

Chap 50.

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Certificate how filed.

SEC. 2. Such certificate shall be filed in the office of the register of deeds of the county in which such asylum shall be established, and a duplicate thereof, shall be filed in the office of the secretary of state.

Powers, &c., of corporation.

SEC. 3. The corporation so established shall be invested with and entitled to all the powers and privileges, and be subject to all the liabilities prescribed in chapter fifty four of the Revised Statutes, entitled "general provisions relating to corporations," so far as the same may be applicable.

Corporation may receive donations, &c.

SEC. 4. It shall be lawful for such corporation to receive donations and bequests and to apply the same for the purposes afore-

Chap. 55. An act to authorize societies of Free Masons, Odd Fellows and Sons of Temperance, and other similar societies to hold property.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Trustees may be chosen.

SECTION 1. It shall be lawful for all persons of full age, belonging to any Grand Lodge or Divisions of Free Masons, Odd Fellows, Harmons Sons, or Sons of Temperance, and other similar societies, and subordinate Lodges and Divisions, duly organized, and acting under and by the authority of the Grand Lodges or Divisions of the aforesaid Orders of the State of Wisconsin, other similar societies not under the jurisdiction of a Grand Lodge or Division, to assemble at their usual places of meeting, and by the rules of their societies, elect any number of discreet persons of their order or society, not less than three, nor more than nine in number, as trustees, to take charge of the estate and property belonging thereto, and to transact all business relative to the investment and disposal thereof.

Trustees may have seal, and take possession of prope ty.

SEC. 2. Such trustees may have a common seal, and may alter the same at pleasure, and they may take into their possession and custody all property of such Lodge or society, whether the same shall consist of personal or real estate, and whether the same may have been given, granted or devised, directly or indirectly, to such Lodge or society, or to any other person or persons for their use.

Powers of trustees.

SEC. 3. Such trustees may also, in the name of such Lodge, Division or society, and in strict conformity with the rules and regulations of the Grand Lodge, Division or society, from which they may derive their charters, sue and be sued in all courts and places, and they may recover and hold all the debts, demands, rights and privileges, all buildings, burying places, and all the estate and appurtenances belonging to such Lodge, Division or society, in whatsoever manner the same may have been acquired or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in the said trustees, and they may hold other real or personal estate, and devise, lease and improve the same; and being authorized by a vote of a majority of all the members of a Lodge, Division or society, in regular standing, may grant, bargain, sell and convey the same in fee simple, but the whole of such estate, real and personal, shall not exceed the yearly value or income of three thousand dollars; and such trustees shall also have power to erect buildings for the use of their Lodge, Division or society, and keep the same in repair.

Term of office.

SEC. 4. The said trustees shall hold their offices for one year, but may be removed at any time and the vacancy filled by such Lodge, Division or society. Any two of the trustees may at any time call a meeting of the trustees, and a majority of them being convened, in accordance with the rules and regulations which may be established by such Lodge, Division or society, shall be compe-

Meetings, how called.

said time, so extended, as is now allowed by law for such purposes.

SEC. 2. This act to take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate,

Approved, February 1, 1850.
NELSON DEWEY.

An act to amend section five, of chapter one hundred and thirty-one, of title twenty-nine of the Revised Statutes of the State of Wisconsin. **Chap. 53.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. All the powers conferred upon Judges of Probate as Court Commissioners, in the act to which this is amendatory, are hereby conferred upon Court Commissioners.

SEC. 2. Court Commissioners shall be entitled to receive the same fees and compensation for services rendered, as are allowed to Judges of Probate acting as Court Commissioners by the act to which this act is amendatory.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 5, 1850.
NELSON DEWEY.

An act to change the time of holding the January term of the Supreme Court. **Chap. 54.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That so much of section two, chapter eighty-two, part three, title twenty-two, of the Revised Statutes, as requires a January term of the Supreme Court to be held at Madison, in the Supreme Court [Room] each year, be and the same is hereby repealed, and hereafter there shall be held in the Supreme Court Room, at Madison, a term of the Supreme court in December of each year, commencing on the second Tuesday, and shall be called the December term. Time changed to December.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 5, 1850.
NELSON DEWEY.

Chap. 57. An act to legalize the organization of school district number four in the town of New Berlin.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Organization of district legalized.

SECTION 1. That the organization of School district number four, so termed in the town of New Berlin, in the county of Waukesha, be and the same is hereby declared legal, and the several acts of the trustees and other officers of said district, shall not be deemed invalid in consequence of any defect in the organization of said district.

Meetings, &c. legalized.

SEC. 2. That the several regular and special meetings heretofore held in the aforenamed district, and the acts of the several officers as aforesaid, are hereby legalized.

SEC. 3. This act shall take effect and be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

Chap. 58. An act to authorize the construction of a bridge across Fox river.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That George H. Tuttle, his associates and assigns, shall have power to build and construct a bridge across Fox river, on any land owned by them at Omro, on section eighteen, in town eighteen, (18) of range fifteen (15.)

Bridge how built.

SEC. 2. That said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the channel of the river not less than fifty feet wide; and the said George H. Tuttle, his associates and assigns, shall attend to the draw, so as to permit boats, vessels and rafts, to pass through the same at all times, free of charge, and without unnecessary delay, and shall be commenced within one year and completed within three years.

When commenced and completed.

SEC. 3. The said George H. Tuttle, his associates and assigns, shall have power, after the completion of said bridge, to demand and collect tolls for passing over the same, as follows: For any vehicle drawn by one horse, ten cents; for any vehicle drawn by two horses or oxen, twenty cents; and for each additional horse, five cents; for foot passengers, five cents; for a single horse, five cents; for all animals in droves, three cents each: *Provided*, That hogs and sheep shall not be charged more than at the rate of two cents per head.

Rates of toll.

SEC. 4. The said George H. Tuttle, his associates and assigns,

shall keep posted up in some conspicuous place on said bridge, a list of the rates of toll allowed by this act.

SEC. 5. This act shall be in force from and after its passage.

MOSES M. STRONG
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

An act to provide for laying out a road from Fox Lake to Marquette. Chap. 59.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Martin Webster, M. W. Stevens, and Madison Miller are hereby appointed commissioners to lay out and establish a state road from Fox Lake in Dodge county, to Marquette in Marquette county, upon the most direct and practicable route. Commissioners to lay out road.

SEC. 2 The said commissioners shall be entitled to receive for laying out said road, such compensation as the board of supervisors of Dodge and Marquette counties may deem sufficient. Compensation.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W BEALL,
Lt. Governor, and President of the Senate.

Approved, February. 1, 1850.
NELSON DEWEY.

An act to legalize the act of the Superintendents of common schools in the towns of Lisbon and Menomonee, in the formation of joint school district No. 6, of Lisbon and Menomonee, and the organization of said district. Chap. 60

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The act of the superintendents of common schools in the towns of Lisbon and Menomonee, in the county of Waukesha, in forming and establishing joint school district No. 6, in the said towns of Lisbon and Menomonee, and organization of said district, together with the acts of said district officer for the year eighteen hundred and forty-nine, be, and the same are hereby declared to be legal and valid for all purposes thereby intended. Acts of officer &c. legalized.

SEC. 2. The proceedings of the special school meetings held in the aforenamed district in the month of November, one thousand eight hundred and forty-nine, are hereby declared legalized. Proceedings of meetings legalized.

SEC. 3. This act shall take effect and be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and Pres't of the Senate.

Approved February 1, 1850.
NELSON DEWEY,

proper, to be paid out of the county treasies of the said counties respectively.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 4, 1850.
NELSON DEWEY.

Chap. 65.

An act to amend an act entitled, "an act to incorporate the Madison and Beloit Rail Road Company, approved August 19, 1848.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Power to change location.

SECTION 1. The said company shall have power to change the location of the said rail road and to terminate the same at any point that to them shall seem expedient, on the south line of the State of Wisconsin and at such termination as may unite with any other rail road.

Right to extend road.

SEC. 2. The said company shall have the right to extend said road to any point on the Wisconsin river that to them shall seem proper.

Increase capital.

SEC 3. The said company shall have power to increase their capital stock to six hundred thousand dollars.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 4, 1850.
NELSON DEWEY.

Chap. 66.

An act to authorize the construction of a bridge across Fox river.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Bridge in Algoma.

SECTION 1. That Alexander Spaulding, his associates and assigns, shall have power to build and construct a bridge across Fox river, on any land owned by them in Algoma, on section fifteen, (15,) in town eighteen, (18,) of range sixteen, (16.)

Bridge how built, &c.

SEC. 2. That said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the channel of the river, not less than fifty feet wide, and the said Alexander Spaulding, his associates and assigns, shall attend to the draw, so as to permit boats, vessels, and rafts to pass through the same at all times free of charge, and without unnecessary delay, and shall be commenced within one year and completed within three years.

SEC. 3. The said Alexander Spaulding, his associates and assigns, shall have power after the completion of said bridge, to de-

mand and collect tolls for passing over the same, as follows: For any vehicle drawn by one horse, ten cents, for any vehicle drawn by two horses or oxen, twenty cents, and for each additional horse, five cents, for foot passengers, five cents, for all animals in droves, three cents each: *Provided*, That hogs and sheep shall not be charged more than at the rate of two cents per head. Rates of toll.

SEC 4. That said Alexander Spaulding, his associates and assigns, shall keep posted up in some conspicuous place on said bridge a list of the rates allowed by this act.

SEC. 5. This act shall be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 4, 1850.
NELSON DEWEY.

An act to authorize the construction of a wharf in the city of Milwaukee. **Chap. 67.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the alderman of the fourth ward of the city of Milwaukee, to cause the construction of a substantial wharf, four feet in height, above the surface of the river, upon the established dock line, commencing on the Milwaukee river, at lot one, in block fifty-seven, in the fourth ward, and following the dock line along the west side of said river to the junction of the Menominee river, and thence on both sides of said Menominee river, along the platted dock line to the line of the fifth ward, thence up the water basin, from its juction with the Menominee river to its western terminus, at the east line of the west half of south-west quarter of section twenty-nine, all within the limits of the fourth ward of said city of Milwaukee; also, to dredge, or excavate, the river in front of said wharves, at least one hundred feet in width, and of sufficient depth to afford safe and convenient navigation of the same for vessels of the largest class; the earth so excavated shall be deposited upon the lots opposite such excavation. Alderman of fourth ward to construct wharf.

SEC. 2. To defray the expense of constructing said wharves, and of dredging, or excavating the river in front thereof, as aforesaid, under the direction of the alderman thereof, a special tax upon each of the said lots fronting on said improvements, in proportion to the extent of front of each such lot, which tax shall be collected in the same manner as is now provided by law for the assessment and collection of taxes in the city of Milwaukee. Tax upon lots to defray expenses.

SEC. 3. The said alderman shall cause notice to be given to all persons interested by publication in some daily newspaper published in the city of Milwaukee for thirty days, which notice shall state the number of the several lots and blocks, included in the first section of this act, the names of the owners thereof, if known, a Notice to be published thirty days.

specification of the work to be done, and the length of time in which the improvement is required to be made by the owner or owners, of the several lots therein specified.

Owner of lots may make wharf, or dredge.

SEC. 4. The owner or owners, of any of the said lots may make, or cause to be made, a wharf, and dredge, or cause to be dredged, the river in front of his or their lot or lots, in pursuance of the first section of this act, and no tax or assessment shall be levied or collected upon any such lot or lots: *Provided*, The same shall be completed within six months after the first publication of the notice required to be given by the third section of this act.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 4, 1850
NELSON DEWEY.

Chap. 68.

An act to authorize Canfield J. Marsh to build and maintain a bridge across Fox river.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to build bridge.

SECTION 1. That Canfield J. Marsh, his associates, successors or assigns, are hereby authorized to erect, build, and maintain a bridge across Fox river, at the foot of Pine street, in the village of Hamilton, Marquette county.

Bridge to be free. How built.

SEC. 2. Said bridge shall forever remain free of toll for cossing the same, and shall be constructed with a draw capable of letting boats pass and repass through the same without delay, and shall in no manner interrupt the free navigation of said Fox river.

Persons injuring bridge how punished.

SEC. 3. Any person or persons eommitting any malicious injury to said bridge, now or hereafter to be constructed under the provisons of this act, shall be liable to the owner or owners thereof, for the amount of injury done; and all damages sustained, may be collected before any court having competent jurisdiction, and in addition thereto, upon conviction therefor, shall be punished in the manner prescribed by laws for offences of that nature.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 4, 1850.
NELSON DEWEY.

Chap. 69.

An act in relation to the county court of Brown county.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county court of Brown county shall be held at such place in said county, as the circuit court is now or may be hereafter held in said county. Where court held.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 4, 1850.
NELSON DEWEY.

An act for the payment of the mileage of the members of the legislature. **Chap. 70.**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of any money now in the state treasury the sum of fifteen hundred and sixty-two dollars and forty cents, to pay the mileage of the lieutenant governor and members of the senate and assembly, to be paid to each of them by the treasurer, according to the certificate of the presiding officer of each house countersigned by the chief clerks of each house. $1,562 appropriated.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 5, 1850.
NELSON DEWEY.

An act to pay the expenses of the legislature for the year 1850. **Chap. 71.**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of the state treasury the following sums of money, to wit:

To the lieutenant governor, the sum of one hundred and seventy dollars, and members of the senate each, eighty-five dollars, and to each member of the assembly eighty-five dollars, as their per diem pay up to the eleventh day of February, A. D. 1850, inclusive. Lt. Gov. members of senate and assembly.

To the chief clerk of the senate one hundred and seventy dollars as his pay for services at the present session of the legislature up to the eleventh day of February, A. D. 1850, inclusive. Also, three hundred and sixty-two dollars to pay the assistants employed by him. Chief clerk of senate and assistants.

To the chief clerk of the assembly one hundred and seventy dollars as his pay for services at the present session of the legislature up to the eleventh day of February, A. D. 1850, inclusive. Also, five hundred and fifty-six dollars to pay the assistant officers employed by him. Chief clerk of assembly and assistants.

Sergeant-at-arms of senate and assistants.

To the sergeant-at-arms of the senate, eighty-five dollars as pay for his services at the present session of the legislature, up to the eleventh day of February, A. D. 1850, inclusive. Also, two hundred and fifty-five dollars, to pay the assistants employed by him.

Sergeant-at-arms of assembly and assistants.

To the sergeant-at-arms of the assembly, eighty-five dollars as pay for his services at the present session of the legislature up to the eleventh day of February, A. D. 1850, inclusive. Also, two hundred and fifty-five dollars to pay the assistants employed by him.

Speaker of Assembly.

To the speaker of the assembly, eighty-five dollars in addition to his per diem pay as member of the assembly.

Jas. Helpin.

To James Helpin, eighty-five dollars for his services during the present session of the legislature in sweeping halls, governor's, secretary's, and library rooms, and keeping on fires in said rooms.

SEC. 2. This act shall take effect and be in force immediately after its passage.

MOSES M. STRONG,
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 5, 1850.
NELSON DEWEY.

Chap. 72.

An act to appropriate to F. F. Davis the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

F. F. Davis.

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to F. F. Davis the sum of one hundred seventy-one dollars and sixty-two cents, in full for boarding and clothing furnished the following state prisoners to January 1, 1850, viz: Swatzen, Pewderly, Harkins, Forbs, and Fouls.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 5, 1850.
NELSON DEWEY.

Chap. 73.

An act to appropriate to James Giddings the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

James Giddings.

SECTION 1. There is hereby appropriated to James Giddings, to be had out of any money in the treasury not otherwise appro-

priated, the sum of eighty-four dollars, in full for selecting state lands.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 5, 1850.
NELSON DEWEY.

An act to appropriate to I. M. Lapham the sum therein named. **Chap. 74.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to the person herein named, to be paid out of any funds in the state treasury not otherwise appropriated, the following sum, to wit: I. M. Lapham

SEC. 2. To I. M. Lapham, eighty-one dollars, in full for services for executing wood engravings of plans for school buildings.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 5, 1850.
NELSON DEWEY.

An act to appropriate to Lyman Chapin the sum therein named. **Chap. 75.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be, and hereby is appropriated out of any money in the state treasury, not otherwise appropriated, to Lyman Chapin the sum of seventy dollars, in full for the interest due on canal bond number fifty-four, up to December 20, 1849. Lyman Chapin.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 5, 1850.
NELSON DEWEY.

An act to appropriate to Mathew Wood the sum therein named. **Chap. 76.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, to Mathew Mathew Wood

Wood the sum of sixty-four dollars, in full for boarding and clothing of Jesse Reed a state prison convict.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 5, 1850.
NELSON DEWEY.

Chap. 77. An act relative to the account of David T. Dickson, state printer.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

D. T. Dickson. SECTION 1. That the sum of two thousand six hundred and eighteen dollars and ninety six cents, ($2,618 96) be, and hereby is appropriated to David T. Dickson, state printer, out of any moneys in the treasury not otherwise appropriated, for printing done for the use of the state.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 5, 1850.
NELSON DEWEY.

Chap. 78. An act for the relief of Rev. H. Walter Reed.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

H. W. Reed. SECTION 1. There is hereby appropriated to Rev. H. Walter Reed the sum of fifty dollars for services as chaplain at the last session of the legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 5, 1850.
NELSON DEWEY.

Chap. 79. An act to authorize the board of public works to construct draw bridges across the Portage canal.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authority to construct bridges. SECTION 1. The board of public works for the improvement of the Fox and Wisconsin rivers, are authorized and instructed to locate and make contracts for the construction of such bridges

(with the necessary draws) as may deemed by them necessary and proper, across the Portage canal.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 5, 1850.
NELSON DEWEY.

An act to incorporate the Columbia County Female Seminary. **Chap. 80.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Henry Merrill, H. Best, Hugh Mc Farlane, James T. Lowe, Joseph Kerr, Isaiah Robinson, Thomas Robertson, Charles Rockwood and William T. Bradley, and their associates and successors are hereby created, and declared to be a body corporate, by the name and style of the "Columbia County Female Seminary," to be located at some place within said county to be selected by the trustees, for the purpose of educating females.

Powers, privileges and duties of corporation.

SEC. 2. Said corporation shall have all the powers and privileges, and be subject to all the duties of a corporation agreeably to the provisions of the statute regulating corporations, so far as such provisions are applicable in such cases, and not inconsistent with the provisions of this act.

Corporation may receive donations.

SEC. 3. Said corporation shall have power to receive donations and bequests, which shall be applied in accordance with the design of the donor, and shall have power to hold real and personal property either in trust or otherwise.

Board of trustees—their powers and privileges.

SEC. 4. The affairs of said corporation shall be managed by a board of ten trustees, with the privilege of adding five to their number, a majority of whom shall constitute a quorum for the transaction of business; they shall have power to fill vacancies in their own body, to sell, lease, mortgage or otherwise dispose of any real or personal property of said corporation in such manner as they shall deem most conducive to the interests of the seminary; to erect and keep in repair all proper buildings for the use of the same; to prescribe and direct the course of study and discipline to be observed in said seminary; to remove or suspend any officer, tutor or trustee for incapacity, mal-conduct or neglect of duty, and to appoint others in their places; and to grant such literary honors and degrees as are granted by similar institutions in the United States, and in testimony of such grants, to give suitable diplomas, under their seal, which diplomas shall entitle the possessors, respectively, to the immunities and privileges which by usage or statute are allowed to the possessors of similar diplomas granted by other institutions of learning.

First trustees.

SEC. 5. The persons named in the first section of this act shall

be the first trustees, and shall remain in office one year and until their successors are appointed.

Power of trustees to organize Normal School

SEC. 6. Said trustees shall have power to organize and establish a "Normal School Department," for the education and training of females, with a view to become teachers in the common schools ni this state, under such rules and regulations as they shall from time to time establish.

No religious test required.

SEC. 7. No religious test or qualification shall be required from any pupil, trustee or other officer of said corporation, for admission to any privilege in the same.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 5, 1850.
NELSON DEWEY.

Chap. 81. An act to repeal the fourth section of an act entitled "An act to repeal an act entitled 'An act to vacate a part of a territorial road from Burlington to Delevan, approved, March 6th, 1848,'" to re-establish said road, and to provide for the appraisement of damages thereon, and for opening the same, approved August 19, 1848.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The fourth section of an act entitled "An act to repeal an act entitled 'An act to vacate a part of a territorial road from Burlington to Delevan, approved March 6th, 1848,' to re-establish said road, and to provide for the appraisement of damages thereon, and for opening the same," approved August 19th, 1848, is hereby repealed, so far as the same relates to the said road in the town of Delevan, but no further.

SEC. 2. This act to be in force and effect from and after its passage.

MOSES M. STRONG,
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 5, 1850.
NELSON DEWEY.

Chap. 82. An act authorizing the construction of a bridge across the south branch of the outlet of Lake Winnebago.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authority to build bridge.

SECTION 1. That Harrison Reed, James D. Doty and Curtis Reed, and their associates, have authority to build, construct and maintain a bridge across the south branch of the outlet of Lake

Winnebago at the point where the state roads from Manitowoc, Green Bay, Waupun, and Winnekonna, intesrects the same in the town of Neenah. Said bridge commencing on fractional section twenty-six, on the main land across the river, to the line dividing sections twenty-two and twenty-three, on Doty Island.

To be free. SEC. 2. The said bridge shall forever remain free from toll for passing the same, and shall be constructed with a draw over the channel of said outlet of Lake Winnebago, not less than fifty feet wide. The owners of said bridge shall attend the draw, or cause the same to be attended, so as to pass and re-pass all boats, vessels and other water craft, at all times free of expense and without unnecessary delay or interruption, and be liable for all damage that may occur to any person or persons in consequence of any insufficiency of said bridge or by any bad management of the draw of the same.

Punishment for wilful injury. SEC. 3. Any person or persons who shall do any wilful or malicious injury to said bridge, shall be liable to the owner or owners thereof, for the amount of such damages to be recovered in any court of competent jurisdiction, and in addition thereto, upon complaint being made, may be punished as now provided by law for injuries of that nature.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February, 5, 1850.
NELSON DEWEY.

An act to provide for laying out and establishing a state road from Waukesha, in Waukesha county, to Whitewater, in Walworth county, via Palmyra, in Jefferson county. **Chap. 83.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. David J. Powers, George G. Williams and John Fish, are hereby appointed commissioners to lay out and establish a state road from the village of Waukesha, in the county of Waukesha, via the village of Palmyra, in Jefferson county, to Whitewater, in Walworth county, adopting so far as they may deem proper, the present territorial road from Fort Atkinson to Waukesha, via Whitewater and Palmyra.

SEC. 2. No money shall be drawn from the treasury of the state to pay for laying such road or for any damages incurred thereby.

SEC. 3. This act shall take effect and be in force from and after its passage.

MOSES M. STRONG,
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 5, 1850.
NELSON DEWEY.

Chap. 84. An act to organize the county of Calumet for judicial purposes.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

When organization to take effect.

SECTION 1. From and after the first day of April next, the county of Calumet shall be fully organized for judicial purposes, and shall enjoy all the rights and privileges appertaining to other counties so organized in this state.

Courts to be held.

SEC. 2. There shall be held in the said county of Calumet two terms of the circuit court, to be holden by the judge of the fourth judicial circuit of this state, on the first Tuesday of May and on the Tuesday succeeding the second Monday of November in each year, and all prosecutions, complaints, suits, actions, or other proceedings, either in law or equity, of which the circuit courts of this state have jurisdiction, arising within the limits of said county of Calumet, after the said first day of April next, shall be heard, tried, and determined in said circuit court: *Provided*, That all

Process &c.

writs, process, appeals, recognizances, or other proceedings commenced in the circuit court of Fond du Lac county, prior to the said first day of April next, shall be prosecuted to final judgment, and execution issued thereon and returned in the same manner they might or could have been, had this act not passed.

When courts to be held.

SEC. 3. The first two terms of the circuit court of said county shall be held in the Mission school house, in the town of Stockbridge in said county; and thereafter the board of supervisors may, if they deem it for the best interests of a majority of the inhabitants of the county aforesaid, remove said courts to some other place in the said county of Calumet.

Officers to be elected.

SEC 4. There shall be elected at the annual town meetings of the several towns of said county on the first Tuesday of April next, a county judge, sheriff, clerk of the circuit court, and district attorney, and the returns of the election of said officers shall be made to the clerk of the board of supervisors within ten days after said election.

Term of office.

SEC. 5. The judge of the said county shall hold his office until the first day of January, one thousand eight hundred and fifty-four, and the sheriff, clerk of the circuit court, and district attorney until the first day of January one thousand eight hundred and fifty-one, and until their successors are duly elected and qualified.

When to vote for county seat

SEC. 6. Whenever the valuation of the taxable property of said county shall be equal to the sum of five hundred thousand dollars, it shall be lawful for the qualified electors of said county to vote for locating permanently the county seat, and it shall be the duty of the clerk of the board of supervisors, at least ten days before the time of such election to cause to be posted in the several towns notices thereof.

How votes cast.

SEC. 7. All votes cast for locating the county seat shall be by ballot, and each ballot shall contain the name or an accurate description of the place voted for, and that place which shall have a majority of all the votes cast on such location, shall be and remain the county seat of said county.

Sec. 8. In case a majority of the votes shall not be cast for any one of the places voted for, it shall be the duty of the clerk of the board of supervisors within three months after said election, to give notice in the manner hereinbefore described, of a second election, at which the places having the two highest number of votes at the previous election shall be voted for, and the place which shall then have the highest number of votes, shall be permanently the county seat of said county. When no selection, to take a second vote.

Sec. 9. It shall be lawful for the county officers to keep their offices at their residences in any part of the county, until the county seat is permanently located, any law to the contrary notwithstanding. Where offices to be kept.

Sec. 10. All laws requiring the county of Calumet to pay a per-centage to other counties for court expenses are hereby repealed. Repealed.

Sec. 11. This act shall take effect and be in force after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 5, 1850.
NELSON DEWEY.

An act to appropriate to Simeon Mills the sum therein named.

Chap. 85.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That there is hereby appropriated to Simeon Mills, to be paid out of any money in the treasury not otherwise appropriated, the sum of forty-one dollars and seventy-two cents, being the amount of Auditor's Warrant No. 324, issued for the above amount to David Holt, Jr., upon an act of appropriation, "approved March 31, 1849," and payable out of the University fund, which warrant has been surrendered up by said Mills to be cancelled. Simeon Mills.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 7, 1850.
NELSON DEWEY.

An act to amend an act to incorporate the village of Madison.

Chap. 86.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the district school and school districts in the village of Madison, shall hereafter be regulated and controlled in How district schools to be controlled, &c.

tracks, side cuts or turn-outs upon the same may be made of any hard material so as to form a sufficiently firm and even surface.

Capital stock limited.

SEC. 3. The capital stock of said company shall not exceed the sum of ten thousand dollars, to be divided into shares of ten dollars, each, and shall be transferable in such manner as shall be prescribed in and by the bye-laws of said company, and each shareholder shall be entitled to one vote for each and every share of stock held by him either in person or by proxy duly authorized.

Business to be managed by five directors.

SEC. 4. The business and concerns of said company shall be conducted and managed by five directors, who shall be stockholders, and shall be elected annually on the first Monday in March, at such place as a majority of the directors shall appoint, and shall hold their office for one year and until others are chosen. And the said directors shall choose one of their number their president, and a majority of said directors shall be a quorum for the transaction of business.

May make bye-laws.

SEC. 5. The said directors or a majority of them shall have power to make such bye-laws, rules and regulations as they shall deem requisite for the management of the concerns of said company, not inconsistent with the laws of this state, and also to appoint such agents and officers as may be necessary to carry out the objects of this corporation.

May receive subscription to stock, &c.

SEC. 6. The persons named in the first section of this act or any two of them shall be commissioneers to open books and receive subscriptions to the capital stock of said company at such times and places as a majority of them shall determine upon, and whenever two thousand dollars of such capital stock shall be subscribed for, and five per cent. paid thereon, said commissioners shall call a meeting of the stockholders of said company, by giving ten days public notice of the same in a newspaper published in the county of Manitowoc, or by posting two notices of the same in two public places, one in the village of Manitowoc, and the other in the village of Manitowoc Rapids, for the purpose of electing directors of said company who shall hold their office until the first annual election thereafter, and until others are elected, and the directors shall be authorized to call in and require the payment of the balance of the stock subscribed for, in such instalments as the progress in the construction of said road, and as the interests of the company shall require, not exceeding ten per cent. in any one instalment.

To locate road.

SEC. 7. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, nor locating such route through any orchard or garden, nor through any building or any fixtures, or erections for the purposes of trade or manufactures, without permission from the owner thereof, and when said route shall be determined by said company, it shall be lawful for them or any person or persons in their employ, at any time to enter upon, take possession of, and use such lands to the width of four

roads, and also to take from any lands adjoining said road gravel stone or earth, for the purpose of constructing or repairing said road, subject however to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided.

Company may enter upon and occupy lands.

SEC. 8. Whenever it shall be necessary for the said company to enter upon and occupy for the purpose of making said road any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation and the parties cannot agree upon the compensation to be made for any injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall be residents of the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company, but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after the requisition for that purpose upon him made, or if any such owner shall be under legal disability or out of the State, then it shall be lawful for the clerk of the circuit or county court, where the land lies, on application of either party, at the cost and charges of said company to appoint three disinterested persons of said county, to view and examine said lands and estimate the injury or damage, if any in their judgment will be sustained, as aforesaid, by reason of the location of said road, and report the same under oath or affirmation to the circuit or county court of said county, which report being confirmed by said court, judgment shall be entered thereon. The said viewers shall each be entitled to two dollars per day for their services, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by the said company for the use of said land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land shall be under any legal disability the cost of assessment shall be paid by said company, and it shall be the duty of the appraisers in estimating such damages to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road: *Provided further*, That either party may appeal to either of said courts within thirty days after such report may have been filed in the clerks office and such appeal shall be tried as other issues arising in said court: *And provided also*, That upon payment or tender of payment of the sum specified in the report of said viewers or appraisers to the owners of said lands, or a deposit of the same for their benefit with the clerk of the circuit or county court in which the land is situate, the said compa-

Expenses incurred, how paid.

Compensation.

Proviso.

ny may immediately take and use the same without waiting the issue of said appeal.

Toll gate and rates of toll.

SEC. 9. The said directors shall have power to erect a toll gate at any place on said road where they may determine, and may demand and receive tolls for the whole of said road, not exceeding six cents for every vehicle drawn by one or two animals; for every score of sheep, swine or neat cattle, three cents, and in the same proportion for any quarter or less number of cattle, sheep or swine; for every horse and rider or lead horse, three cents, and for any part of said road the toll shall be in the same proportion. No toll shall be received of any person actually going to or returning from any religious meeting on Sunday, or from any person liable to do military duty while actually going to or returning from any military parade or review, at which their attendance shall be by law required. And the toll gatherer at said gate, erected on said road, in pursuance of this act, may detain and prevent from passing such gate any vehicle, carriage or animal, subject to toll until the toll thereon is paid.

Offences.

SEC. 10. Any person who shall wilfully break or throw down any gate on said road, which may have been erected in pursuance of this act, or shall do any damage to said road or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his or her team, vehicle, carriage or animal, turn out of said road or pass around such gate for the purpose of avoiding such toll, and return again on said road, shall for such offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all the damages of said company, to be recovered by said company in the name of the president and directors of the Manitowoc and Manitowoc Rapids plank road company, in an action of trespass.

Debts, &c., not to exceed fifty per cent on capital.

SEC. 11. The debts and liabilities of said corporation shall not exceed in amount at any one time, fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally, individually liable for such excess in addition to their own liabilities at law as provided for in this act.

Individual liability.

SEC. 12. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, That all debts due said company from such individual shall be first paid.

Abuse of privileges.

SEC. 13. If said company shall misuse or abuse any of its privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company in relation to said road and the use of the same.

County liable for injuries.

SEC. 14. That said company shall be liable for all injury or damage which any person may sustain in his person or property

by reason of the said road being out of repair or of any defect in said road.

Sec. 15. This act may be altered or amended by any future legislature of the State of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 5, 1850.
NELSON DEWEY.

An act to organize the town of Montecello in the county of La Fayette. **Chap. 90.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. So much of the county of LaFayette, as is comprehended within the following described boundary, be, and the same is hereby organized a separate town, by the name of Montecello; commencing on the state line at the quarter post, on the south line of section numbered thirty-five, in township numbered one, of range numbered two, east; thence north one mile and a half, to the centre of section numbered twenty-six in said township; thence east two miles, to the centre of section numbered thirty, of range three, east; thence north one mile and a half, to the quarter post on the north line of section numbered nineteen; thence east, three miles to the quarter post on the north line of section numbered twenty-two; thence south three miles to the state line of Illinois; thence west to the place of beginning. Town, how organized.

Sec. 2. The first town meeting shall be held at the dwelling house of Thomas Whiley in said town, on the first Tuesday of April next, the day now provided by law for annual town meetings. Town meeting where held.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 7, 1850.
NELSON DEWEY.

An act to vacate a part of the town plat of the village of Marquette. **Chap. 91.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. All that part of the town plat of the village of Marquette, in the county of Marquette, which is laid upon the north-east quarter of section thirty-six, in town fifteen, range eleven; also all of said plat lying south of third street, and east of the quarter line; also blocks twenty-four and twenty-five, is hereby vacated. Town plat vacated.

SEC. 2. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 7, 1850.
NELSON DEWEY.

Chap. 92.

An act to organize the county of Richland.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

County organized.

SECTION 1. That from and after the first day of May next, the county of Richland in this state, shall be organized for judicial purposes, and shall enjoy all the privileges and immunities of the other counties of this state. It shall form a part of the fifth judicial circuit, and the courts therein shall be held by the judge of said circuit.

Proceedings in courts removed.

SEC. 2. That all writs, process, appeals, recognizances, or other proceedings, which shall be pending undetermined in the circuit court of Iowa county, on the said first day of May next, which originated in courts of justice of the peace in said county of Richland, shall be removed back and be determined in said county of Richland.

Clerk in Iowa co., to transmit papers &c

SEC. 3. That on the said first day of May, the clerk of the circuit court of the county of Iowa, shall transmit all writs, process, appeals, recognizances, or other proceedings originating as aforesaid, together with a transcript of the records in each case, to the clerk of the circuit court of Richland county.

Special election.

SEC. 4. That for the purpose of carrying out the provisions of this act, the legal voters of Richland county may hold a special election on the first Tuesday of April next, in the respective towns or precincts of said county, for the election of such county officers as are required by law to be elected at annual elections, whose terms of service shall commence on the said first day of May next, and continue until said terms shall expire by law. There shall also be elected by the qualified electors of said county of Richland, at a special election to be held at the several towns or precincts of said county; on the first Tuesday of June next, a county judge, who shall hold his office until the first day of January A. D. 1854, and until his successor is elected and qualified.

Elections how conducted.

SEC. 5. That the said elections shall be conducted in all respects, and the votes canvassed and returned in the same manner as is now provided by law in relation to the election of county officers.

Terms of court.

SEC. 6. That the judge of the said fifth judicial circuit shall hold courts in the said county of Richland, semi-annually; one term on the last Tuesday of April, and another on the second Tuesday of September in each year.

Vote on county seat.

Sec. 7. That at the annual election of 1851, the voters qualified, as hereinafter provided, shall deposite with the inspectors of elections in the several towns or precincts in said county, a ballot, on which shall be printed or written, or partly printed and partly written, the name of the place voted for as the county seat of said county; and the place receiving a majority of all the votes cast at said election on that subject, shall be declared the county seat of said county: *Provided*, That if no place shall receive a majority at said election, the question shall be submitted in the same manner at each succeeding annual election, until some one place receive such majority.

County buildings.

Sec. 8. Whenever the county seat shall be established, as provided in the eighth section, the board of county supervisors of said county shall take such measures as they may deem proper to obtain funds to erect county buildings in said county.

Sheriff Iowa co., to give notice of election.

Sec. 9. The sheriff of the county of Iowa is hereby required to give the legal notice of the election required to be held in said county of Richland, on the first Tuesday of April next, as the law directs.

Sec. 10. All records of Iowa county, relating to persons or property in said Richland county, shall be free of access to, and be free of charge to the proper officers of Richland county, to transcribe.

Who are qualified voters.

Sec. 11. That every free white male inhabitant, who shall have resided in said county six months next preceding any annual election, shall be deemed a qualified voter at such election, for the purpose of permanently locating the county seat of said county.

Richmond to be present county seat.

Sec. 12. That until the county seat of said county shall be located, as provided in the seventh section of this act, the courts for said county shall be held, and all county business shall be transacted, at Richmond in said county.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and Pres't of the Senate.

Approved February 7, 1850.
NELSON DEWEY,

An act to amend an act entitled "an act to incorporate the Madison and Oconomowoc plank road company.

Chap. 93.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

Section 1. That Norman Clinton, Michell D. Bacon, William Crombie, Daniel W. Kellogg, Andrew Proudfit, N. P. Hawks, Silas Barber, John D. McDonald, Samuel C. Leavitt, H. N. Carlton, Austin Kellogg, D. M. Aspinwell, Charles J. Bell, Charles Gennung, Thomas Brayton, Royal Tyler Millard, and David H. Hyer, be, and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to

the capital stock of the Waukesha, Jefferson county, and Madison plank and turnpike road company; and they shall cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking said subscriptions, by publishing the same in a newspaper in each of the counties of Waukesha and Jefferson.

Name and style of company—powers &c.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act are hereby created a body corporate in law, with perpetual succession, by the name and style of the "Waukesha, Jefferson county, and Madison plank and turnpike road company," for the purpose of constructing a plank and turnpike road from the village of Waukesha, in Waukesha county, to the village of Delafield, thence through Summit Centre to the junction of the Watertown and Madison roads, in the town of Concord in Jefferson county, thence through the town of Farmington to the village of Aztalan and Lake Mills to Madison, and shall have power to connect with other plank and turnpike roads, at such places as the board of directors may determine; and shall also have power to construct a single or double track plank and turnpike road from the junction of the Watertown and Madison road in Concord Jefferson county, to the village of Jefferson in Jefferson county, which said company shall have power to sue and be sued, in all courts, to receive by gift or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and to contract and be contracted with, in all matters pertaining to the object of said road, to have and to use a common seal, and pass all bye-laws necessary for the government of said company.

Capital stock $65,000.

SEC. 3. The capital stock of said company shall be sixty-five thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the bye-laws of said company.

Duty of commissioners.

SEC. 4. Whenever ten thousand dollars of the capital stock of said company shall be subscribed, it shall be the duty of the commissioners named in this act to call a meeting of the stockholders, at such time and place as they shall designate, by giving public notice in two or more newspapers published in either of the counties through which the said road is run, for the purpose of choosing seven directors, and the persons then chosen, shall be the first directors of said company, and shall hold their offices for one year and until others are chosen in their stead. The board of directors shall choose one of their number as president of the company, who shall also hold his office for one year, and until his successor is elected. At any [and] every election of directors of said company, each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

Duty of Directors.

SEC. 5. The company so organized shall have the right to locate and construct a single or double track plank and turnpike

road, between the points mentioned in the second section of this act, or any part of the distance. The track of said road shall be constructed of plank, gravel, or charcoal, so as to have a hard, smooth, and even surface, the particular manner of building said road to be determined by the board of directors. Right to locate and construct road.

Sec. 6. That section one, two, three, four, and six, of the act entitled, "an act to incorporate the Madison, and Oconomewoc plank road company," approved March 11, 1848, are hereby repealed.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 7, 1850.
NELSON DEWEY.

An act to authorize the construction of a dam across Rock River. **Chap. 94.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Ira Miltimore, his associates, successors, and assigns, are hereby authorized to erect and maintain a dam across Rock river, at any point he or they may deem most suitable, on any land he or they or either of them may own, in sections twenty-one, twenty-two, twenty-seven, and twenty-eight, in town number two, of range twelve east, and to make use of the water in said stream for propelling any kind of machinery he or they may see fit to erect, and to sell or lease the right to use said water to any person whatsoever: *Provided*, Said dam shall be so constructed as not to interfere with any water privileges now improved on said river. Authority to build dam.

Sec. 2. As soon as Rock river shall be improved and rendered navigable to said dam, the owners of said dam shall construct a convenient lock, not less than one hundred feet long between the gates, and not less than twenty-four feet wide in the clear of the chamber, for the passage of boats, barges, and other water craft, said lock to be in readiness for the passage of boats, barges, and other water craft when said river shall be improved, and the proprietors of said dam shall maintain said lock, and shall attend the passage of all boats, barges, and water craft through said lock free of all charges to the owners thereof. Lock to be built.

Sec. 3. The said Ira Miltimore, his successors, associates, and assigns shall, whenever they construct said dam, also construct a slide or chute in such manner as to allow the passage of rafts over said dam, as well as to permit the ascent and descent of fish in said stream. To construct a slide or chute.

SEC. 4. The legislature may at any time alter or amend this act.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 7, 1850.
NELSON DEWEY.

Chap. 95.

An act to authorize the construction of a bridge across Fox river.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Incorporation.

SECTION 1. That E. W. Davis, Reeder Smith, and N. P. Stevens, and such other persons as shall associate with them be, and they are hereby incorporated by the name and style of "the Appleton Bridge company," and by such name may sue and be sued, plead and be impleaded, in any court in this state, and may have a common seal, and may change the same at pleasure.

Commissioners appointed.

SEC. 2. That said E. W. Davis, Reeder Smith, and N. P. Stevens, and such other persons as they may appoint, are hereby appointed commissioners to receive subscriptions to the capital stock, and shall open books for subscriptions at such times and places as the said commissioners shall appoint, until the capital stock of said company shall be taken.

Capital stock.

SEC. 3. The capital stock of said company shall be three thousand dollars, and shall be divided into shares of twenty-five dollars each, and the said company shall have power to increase the capital stock to not exceeding five thousand dollars.

Power to build bridge.

SEC. 4. The said company shall have power to build the said bridge from the village of Appleton, on block fifteen, across Fox river at any point they may select, and shall have power to rest the said bridge on the eastern bank of said river, and to take so much land as may be necessary for that purpose: *Provided*, No unnecessary damage shall be done thereby; and in case the said company and the owners of the land shall be unable to agree upon the price of said land, the said company shall choose one appraiser, and the owners another, and the persons so chosen shall proceed to appraise the said land, and in case the said appraisers can not agree, they shall choose a third, and the price at which the three appaisers shall appaise the said land shall be paid by said company.

Power to make bye-laws.

SEC. 5. The said company shall have power to make bye-laws for the regulation of the concerns of the said company: *Provided*, The said bye-laws shall not be repugnant to the laws of Wisconsin.

Dimensions of bridge.

SEC. 6. Said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the channel of the river, not less than fifty feet wide, and the said company shall attend to the said draw so as to permit boats and vessels to pass through

the same at all times free of charge, and without unnecessary delay.

SEC. 7. The company shall have power after the completion of the bridge, to demand and collect toll for passing the same, as follows: For any vehicle drawn by one horse, ten cents, for any vehicle drawn by two horses or oxen, twenty-five cents, and for each additional horse or ox, five cents, for a single horse, five cents, for all animals in droves of less than fifty, three cents each, and for all over fifty, two cents each: *Provided*, The said company may have power to charge a less rate of toll in their discretion. Rates of toll.

SEC. 8. The said company shall keep posted up in some conspicuous place on the said bridge, a list of the rates of toll to be paid for crossing.

SEC. 9. Any future legislature may alter or amend this act.

SEC. 10. This act shall be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,

Approved, February 7, 1850.

NELSON DEWEY.

An act to vacate part of the town plat of the village of Appleton in the county of Brown. Chap. 96.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the town plat of the village of Appleton, described on the recorded plat thereof, as the south half of block ten, (10,) the south half of block eleven, (11,) blocks twelve, (12,) fifteen, (15,) sixteen, (16,) seventeen, (17,) eighteen, (18,) nineteen, (19,) twenty, (20,) twenty-one, (21,) twenty-two, (22,) twenty-three, (23,) and twenty-four, (24,) is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved Febru[illegible], 1850.

NELSON DEWEY.

An act to amend an act entitled "an act to incorporate the trustees of the village of Mineral Point," approved January 11, 1844. Chap. 97.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That an act entitled an act to incorporate the trustees of the village of Mineral Point, approved January 11th, 1844, Former act amended.

SEC. 4. The legislature may at any time alter or amend this act.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 7, 1850.
NELSON DEWEY.

Chap. 95.

An act to authorize the construction of a bridge across Fox river.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Incorporation.

SECTION 1. That E. W. Davis, Reeder Smith, and N. P. Stevens, and such other persons as shall associate with them be, and they are hereby incorporated by the name and style of "the Appleton Bridge company," and by such name may sue and be sued, plead and be impleaded, in any court in this state, and may have a common seal, and may change the same at pleasure.

Commissioners appointed.

SEC. 2. That said E. W. Davis, Reeder Smith, and N. P. Stevens, and such other persons as they may appoint, are hereby appointed commissioners to receive subscriptions to the capital stock, and shall open books for subscriptions at such times and places as the said commissioners shall appoint, until the capital stock of said company shall be taken.

Capital stock.

SEC. 3. The capital stock of said company shall be three thousand dollars, and shall be divided into shares of twenty-five dollars each, and the said company shall have power to increase the capital stock to not exceeding five thousand dollars.

Power to build bridge.

SEC. 4. The said company shall have power to build the said bridge from the village of Appleton, on block fifteen, across Fox river at any point they may select, and shall have power to rest the said bridge on the eastern bank of said river, and to take so much land as may be necessary for that purpose: *Provided*, No unnecessary damage shall be done thereby; and in case the said company and the owners of the land shall be unable to agree upon the price of said land, the said company shall choose one appraiser, and the owners another, and the persons so chosen shall proceed to appraise the said land, and in case the said appraisers can not agree, they shall choose a third, and the price at which the three appaisers shall appaise the said land shall be paid by said company.

Power to make bye-laws.

SEC. 5. The said company shall have power to make bye-laws for the regulation of the concerns of the said company: *Provided*, The said bye-laws shall not be repugnant to the laws of Wisconsin.

Dimensions of bridge.

SEC. 6. Said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the channel of the river, not less than fifty feet wide, and the said company shall attend to the said draw so as to permit boats and vessels to pass through

the same at all times free of charge, and without unnecessary delay.

SEC. 7. The company shall have power after the completion of the bridge, to demand and collect toll for passing the same, as follows: For any vehicle drawn by one horse, ten cents, for any vehicle drawn by two horses or oxen, twenty-five cents, and for each additional horse or ox, five cents, for a single horse, five cents, for all animals in droves of less than fifty, three cents each, and for all over fifty, two cents each: *Provided*, The said company may have power to charge a less rate of toll in their discretion. Rates of toll.

SEC. 8. The said company shall keep posted up in some conspicuous place on the said bridge, a list of the rates of toll to be paid for crossing.

SEC. 9. Any future legislature may alter or amend this act.

SEC. 10. This act shall be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,

Approved, February 7, 1850.
NELSON DEWEY.

An act to vacate part of the town plat of the village of Appleton in the county of Brown. Chap. 96.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the town plat of the village of Appleton, described on the recorded plat thereof, as the south half of block ten, (10,) the south half of block eleven, (11,) blocks twelve, (12,) fifteen, (15,) sixteen, (16,) seventeen, (17,) eighteen, (18,) nineteen, (19,) twenty, (20,) twenty-one, (21,) twenty-two, (22,) twenty-three, (23,) and twenty-four, (24,) is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February [illegible], 1850.
NELSON DEWEY.

An act to amend an act entitled "an act to incorporate the trustees of the village of Mineral Point," approved January 11, 1844. Chap. 97.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That an act entitled an act to incorporate the trustees of the village of Mineral Point, approved January 11th, 1844, Former act amended.

be, and the same is hereby amended as follows, to wit: The power and right of the trustees of said village of Mineral Point to tax male residents for improving the roads and streets, commonly called a "poll tax," and also the right and power to levy and collect an annual tax on any and all property within the incoporate limits of said town, are hereby absolutely suspended.

Portion of previous act repealed.

SEC. 2. That portion of said act of incorporation conferring the power upon the trustees of said village, to organize school districts in said village, to receive the money coming from the county for the benefit of scholars in said village, and generally to have full control over all public schools in said village, and to take such measures for the benefit of public instruction as they may deem proper, is hereby repealed. And the sole and entire control of common schools and the school fund belonging to the town of Mineral Point, is hereby given to and vested in the proper school officers of the said town, the same as though the said village had never been incorporated, subject to the general provisons of law relating to common schools.

Votes to determine, &c.

SEC. 3. At any regular election for the choosing of village officers, it shall be competent for the qualified electors of the village to determine by vote whether they will raise any amount of money by tax for any of the purposes specified in the act of incorporation; and what amount, and for what purpose. And the method of voting and conducting the election for this purpose, shall be prescribed by the trustees of said village.

If tax authorized how levied.

SEC. 4. If a majority of the legal voters of said village shall at any such election determine to raise a sum of money for village purposes, in the manner before specified, then the trustees of said village shall have power to levy and collect a tax on all property subject to taxation in said village, sufficient to make the amount to be raised, which said tax shall be levied, assessed, and collected in the manner prescribed in said act of incorporation.

SEC. 5. Nothing in this act contained shall be taken or construed to in any way interfere with the corporate right to organized town of Mineral Point, or the town officers thereof, except as herein specified.

SEC. 6. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate,
Approved, February 7, 1850.
NELSON DEWEY.

An act to appropriate to Ransom Rice the sum therein named. **Chap. 98.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to Ransom Rice, two hundred and forty-three dollars, for board and safe keeping of Richard Johnson, a state prisoner, confined in Milwaukee county jail, from June 14th 1845, to October 14th 1846, to be paid out of any funds in the state treasury not otherwise appropriated. R. Rice.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to appropriate to Alexander Mitchell the sum therein named. **Chap. 99.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to Alexander Mitchell the sum of one hundred and forty dollars, in full for interest on canal bond number 52, up to December 20, 1849, also the further sum of five dollars for territorial scrip number 641. Alex. Mitchell

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to incorporate the East Troy Academy. **Chap 100**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Sewall Smith, Russell H. Mallory, Gaylord Graves, Jacob Burgit, Stephen Olney, Emery Thayer, Simon B. Edwards, Henry B. Clark, and Edward H. Ball, and their associates, together with such persons as may hereafter be associated with them, be, and are hereby created a body politic and corporate, with perpetual succession, by the name and title of the East Troy Academy, by which name they and their successors shall be forever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and equity; said corporation shall have a common seal, and shall have power to acquire purchase, receive, possess, hold, and enjoy property, real and person- Trustees.

al, and the same to sell and convey, rent, or otherwise lawfully dispose of at pleasure.

Capital stock. SEC. 2. The stock of said company shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as shall be directed by the by-laws of said corporation.

How meetings called. SEC. 3. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days notice thereof, by posting up notices in at least three public places in the village of East Troy where said corporation is hereby located.

How trustees elected. SEC. 4. At such first legally notified meeting, the stockholders shall have power to elect by ballot nine trustees, three of whom shall be elected for one year, three for two years, and three for three years, and after the first election three trustees may be elected annually: *Provided*, That all trustees shall hold their offices until others are elected in their place.

SEC. 5. At all elections and meetings of the company, each stockholder shall be entitled to one vote for each share of stock owned by him.

Powers of trustees. SEC. 6. The trustees shall have power

1st. To elect from their number a president, secretary, and treasurer, also to elect all other officers of the corporation.

2d. To call special meetings of the stockholders to fill vacancies in the board of trustees.

3d. To sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders, also to erect and keep in repair all necessary buildings for the use of said corporation.

4th. To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said academy.

5th. To prescribe the duties and fix the salaries of all the officers of said corporation, and remove or suspend them from office for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their places.

6th. To make all rules, regulations, and by-laws necessary or proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

SEC. 7. No religious test or qualification shall be required of any trustee or officer of said corporation, nor of any student of said institution.

SEC. 8. This act may be altered or amended by any future legislature.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY,

An act to pay Beriah Brown the sum therein named. **Chap 101**

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be, and hereby is appropriated to Beriah Brown, out of any money in the treasury not otherwise appropriated, the sum of four hundred and forty dollars ($440 00) in full for publishing laws in compliance with the order of the Secretary of State, for the year eighteen hundred and forty-nine. Beriah Brown.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

An act to appropriate to Robert L. Ream the sum therein named. **Chap 102**

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated hereby to Robert L. Ream, out of any moneys in the treasury, not otherwise appropriated, the sum of three hundred and forty-eight dollars, in full for one hundred and sixteen days service, recording appraisals of school and university lands. R L. Ream.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

Chap 103

An act to authorize the State Treasurer to pay certain sums of money therein named

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the State Treasurer pay over to James Hutchinson, clerk of the circuit court of Iowa county, in this State, for the use of the persons entitled thereto, the sum of forty-seven dollars and forty-five cents, being a part of the amount paid into the state treasury by James Morrison in the suit of the territory of Wisconsin against James Morrison, Abner Nichols and Levi Sterling, as costs in said case, and which has not been paid by the territory or state of Wisconsin. J. Hutchinson.

SEC. 2. And that the State Treasurer is further authorized to pay to William Henry, and take his duplicate receipt therefor, the further sum of eight dollars for transcripts made and furnished the Wm. Henry.

superintendent of territorial property for the use of the territory of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

Chap 104 An act to authorize the construction of a free bridge across the Fox river in the village of Oshkosh.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Authorized to build bridge.

SECTION 1. That Edward Andrea, Henry Priese, Henry N. Gallup, David Evens, and such other persons as shall associate with them for that purpose, are hereby authorized to construct and maintain a bridge across the Fox river, from the foot of Bay street in the village of Oshkosh.

To be free.

SEC. 2. The cost of constructing, repairing and attending said bridge shall be paid by voluntary subscription, and no person or persons shall ever be required to pay any toll for crossing the same.

To have a draw, &c.

SEC. 3. There shall be a draw in said bridge, not less than fifty feet wide, and the owners of said bridge shall attend the draw, or cause the same to be attended, so as to pass or re-pass all boats, vessels and other water crafts, at all times free of expense, and without unnecessary delay or interruption, and be liable for all damages that may occur to any person or persons in consequence of any insufficiency of said bridge or any bad management of the draw of the same.

To be kept in repair, &c.

SEC. 4. The said bridge shall be kept in repair by the said Henry Priese and associates, three of whom shall be chosen as trustees to take charge of said bridge, by the subscribers to the same, and notice of the selection of said trustees shall be published in one of the newspapers in the village of Oshkosh, and whenever said trustees shall be changed, similar notice shall be given, and the said bridge shall at all times be attended so as to pass all water crafts or rafts at all times free of expense and without delay.

Punishment for injuries.

SEC. 5. That if any person or persons shall wilfully and maliciously injure, damage or destroy said bridge, or any part thereof, such person or persons shall, for every such offence, forfeit and pay the sum of fifty dollars to the owners thereof, to be collected in any court of competent jurisdiction, and pay all damages to the owners thereof, consequent upon such offence, over and above said forfeiture.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

An act to reduce the fees of Town Treasurers in certain cases. **Chap 105**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Chapter fifteen, title five, of the Revised Statutes relative to "collection and return of taxes," is hereby so amended as to provide that the Town Treasurers of each town, on the receipt of the assessment roll for the current year, with the tax list annexed, shall forthwith post up notices in three or more public places in such town, that the taxes assessed and levied in such town are placed in his hands for collection, and that the taxes charged therein are subject to payment at his office, at any time prior to the twenty-fifth day of December in such year. To post up notices.

Sec. 2. On all taxes so paid or tendered at the office of such treasurer, prior to said 25th day of December, the said treasurer shall remit to the person so paying or tendering, three-fifths of the amount included in said list, as his fees for collecting such tax, so paid. Compensation.

Sec. 3. The said treasurer shall after said 25th day of December, proceed to collect the taxes charged in such list and remaining unpaid, in the same manner as is provided by law for the collection and return of taxes. How to collect

Sec. 4. So much of section seventy-two of chapter fifteen, title five, of the Revised Statutes, as relates to the pay of Town Treasurer for making their returns, shall be so construed as to mean one dollar for making their returns, and six cents per mile, one way, in transmitting the same How Statutes to be construed

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act relative to the sale of intoxicating liquors to Indians in the county of La Pointe. **Chap 106**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Chapter thirty, "of the sale of intoxicating drinks to Indians" of the Revised Statutes of the state of Wisconsin, is hereby so amended as to give a justice of the peace jurisdiction in case of any offence being committed within the provisions of said chapter, within the county of La Pointe, and said justices of the peace, shall have power, upon conviction of such offence, to punish such offender by imprisonment in the county jail, not exceeding three months, or by fine not exceeding fifty dollars or by both at the discretion of the justice so trying the case, in addition to the powers heretofore conferred in such case. Revised Statutes amended.

Sec. 2. The provisions of this law shall extend to persons

Who included in law.

upon steamboats, vessels, schooners, or other water craft, and any person so offending shall in all cases be punished in the manner prescribed by said chapter thirty, and the provisions of this act; and the person or persons in command of such boat, vessel, schooner or water craft, shall be liable for all such acts in violation of the laws committed thereon.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

Chap 107

An act for the relief of Harrison Reed and Albert B. Brien.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to enter certain lands.

Section 1. That Harrison Reed and Albert B. Brien, of the county of Winnebago, are hereby authorized and permitted to enter according to the provisions of an act passed by the legislature of the state of Wisconsin on the 8th of August, 1848, granting preemption rights to settlers, the following described lands: the said Harrison Reed the tracts of land known as the south half of the south-west quarter, and the south-west quarter of the south-east quarter, and lot No. five, (5) in section twenty-seven, (27) and the said Albert B. Brien, the tracts of land known as the south-east fractional quarter, and the east half of the south-west fractional quarter of section No. twenty-one, (21) all of which said above described lands are in township twenty, (20) range seventeen, (17) in the Fox and Wisconsin river reserve.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

Chap 108

An act to appropriate to J. D. Reymert the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

J. D. Reymert.

Section 1. That there is hereby appropriated to J. D. Reymert, seven hundred and fifty dollars, for fifteen hundred copies of the acts "entitled of common schools," of "highways and bridges," of "town and town officers," of "assessment and collection of taxes," at fifty cents per copy, according to an a t passed on the thirty-first day of March, A. D. 1849, entitled an act to provide for printing certain laws in the Norwegian language, to be

paid out of any funds in the state treasury not otherwise appropriated.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

An act to authorize the laying out of a state road therein named. **Chap 109**

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That S. G. Pickett, B. L. Gibbs and Charles Billinghurst, are hereby appointed commissioners to lay out a state road from Sheboygan to Madison. Commissioners

SEC 2. The commissioners shall be entitled to such compensation for their services from the counties through which the road passes, as the supervisors shall deem just. Compensation.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 8, 1850.
NELSON DEWEY.

An act to authorize a settlement with the Receiver of Canal Lands. **Chap 110**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor, secretary of state, and treasurer, are hereby authorized and empowered to settle with and audit the accounts of David Merrill, receiver of canal lands, and to ascertain the balance due from said Merrill to the state of Wisconsin. Authorized to settle, &c.

SEC. 2. That after such balance shall be ascertained, it shall be the duty of the said Merrill immediately to pay the same over, in full, to the state treasurer, and to deliver over to the same officers all books, papers, vouchers, bonds and mortgages, which may have come to his hands as such receiver, and the said treasurer is hereby authorized to receipt for the same, and such receipt shall have the effect to discharge the said David Merrill as such receiver and his sureties from all claim, demand, or liability, to the state of Wisconsin, for or on account of all and every act, transaction or doing of such receiver, and to discharge all suits, indictments, actions or causes of actions, that may have been instituted, commenced or prosecuted, or which may have accrued to the state against the said Merrill as such receiver, or his sureties: *Provided*, The settlement herein authorized shall be effected before the first day of July next. Merrill to pay balance. Proviso.

State guarantees Merrill against loss.

Sec. 3. That the state hereby guarantees to indemnify and save harmless the said Merrill and his sureties, against all and every claim of title or demand, which may be set up, prosecuted or enforced by any person or persons, corporation or corporations, or by the United States, to, for, or upon the monies which may have come to the hands of such receiver in his character as such, or to, for, or upon such books, papers, vouchers, bonds and mortgages, as he may heretofore have paid or delivered to the treasurer of the territory of Wisconsin, and which he shall hereafter pay and deliver to the treasurer of the state of Wisconsin: *Provided*, The said David Merrill complies with all the provisions of this act.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,
Approved, February 8, 1850.
NELSON DEWEY.

Chap 111 An act for the relief of certain school districts in the towns of Granville and Milwaukee in the county of Milwaukee.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Time extended

Section 1. The time for the district clerks to make their reports, as provided in section thirty, chapter nineteen, in the Revised Statutes, is hereby extended from the 15th day of September, 1849, to the 1st day of April, 1850, so far as the towns of Granville and Milwaukee, in the county of Milwaukee, are concerned.

Districts making reports entitled to privileges, &c.

Sec. 2. All those districts in said towns whose clerks make their reports according to the provisions of the aforesaid section thirty, chapter nineteenth, of the Revised Statutes, by the 1st of April, 1850 shall be entitled to all the privileges they would have been entitled to had they have made their reports according to the provisions of the said chapter nineteen, of the Revised Statutes.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

Chap 112 An act to amend an act entitled "an act to incorporate the Milwaukee, Hustisford and Beaver Dam plank road company."

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section amended

Section 1. That section fifteen, (15) of said act be and the same is hereby amended, so that it will read as follows: if said

corporation shall not within four years from the passage of this act commence the construction of said plank road, and expend three thousand dollars or more thereon, and within ten years from the passage of this act construct, finish and put in operation a single or double track of plank road from the city of Milwaukee to the town or village of Beaver Dam, in the county of Dodge, then said company shall forfeit all rights, privileges and powers under this act, to all that part of said proposed road not built.

MOSES M. STRONG,
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to legalize the plat of the village of Mayville. **Chap 113**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That the plat of the village of Mayville, in the county of Dodge, recorded in the office of the register of deeds in said county, on the eleventh day of October, A. D. one thousand eight hundred and forty-nine, be, and the same is hereby declared to be the legal plat of said village of Mayville. Plat legalized.

Sec. 2. That from and after the passage of this act, all lots sold and conveyed in said village of Mayville, may be described with reference to the plat of said village mentioned in the preceding section of this act: *Provided always*, That the rights of bona fide purchasers of lots in said village of Mayville, having purchased lots therein, described in reference to a former plat of said village, shall in nowise be impaired by the provisions of this act. Lots, how described.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to provide for the permanent location of the seat of justice in the county of Washington, and for the division of said county and the organization of the county of Tuskola. **Chap 114**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. The county seat of Washington county, shall be, and hereby is, permanently located at the village of Port Washington, in said county. Permanent location.

Sec. 2. It shall be the duty of the board of supervisors of said Washington county to provide as soon as practicable for the Supervisors to provide county buildings.

construction of county buildings in said village of Port Washington, and without delay to proceed with the erection and completion of the same.

To contract for erection of buildings.

SEC. 3. The board of supervisors shall on the first Monday of May next proceed to let to the lowest bidder the contract for the erection of a good and commodious Court House upon the plan and style generally adopted by the different counties of this state, a good and sufficient jail, and good and commodious fire proof clerk's and register's office, upon grounds in the village of Port Washington, to be located by the supervisors of the county of Washington. said buildings to be erected and enclosed during the summer of 1850. and finished by the first day of July 1851, and for the purpose of defraying the expense and cost of erecting said buildings, the said supervisors are directed to levy an additional tax upon the taxable property of said county. in addition to the ordinary taxes of said county, for the year 1850, equal to the amount of the contract price of said buildings.

Tax levied.

Boundaries of Tuskola county.

SEC. 4. All that portion of the present county of Washington, lying within the following boundaries, to wit: Commencing at the south-west corner of said county, and running thence east on the county line to the centre of Lake Michigan and the south-east corner of said county; thence northerly through the centre of Lake Michigan to the town line between towns ten and eleven; thence westerly on said town line to the county line of Dodge county; thence southerly on the eastern line of Dodge county to the place of beginning, is hereby set off and organized into a separate county under the name and title of Tuskola.

Tuskola county organized.

SEC. 5. Said county of Tuskola, in hereby erected, established and organized, with all the rights, powers and privileges by law granted to other counties of this state, and subject to all general laws established for county government.

Election to be held in May.

SEC. 6. On the first Monday of May next the electors resident within said new county shall meet in their respective towns at the usual place of holding elections and then and there proceed to elect all county officers provided by law for county government, except a county judge, sheriff and clerk of the circuit court, which said officers, shall hold their offices when duly qualified until the expiration of the term of similar offices in other counties, the returns shall be made to and canvassed by the clerk of the county supervisors of Washington county.

County officers to be elected.

SEC. 7. At the next general election there shall be elected, according to law, all the county officers of said county of Tuskola, together with a sheriff and clerk of the circuit court, whose terms of office shall commence on the first day of January next, as now provided for by law.

Election of county judge.

SEC. 8. On the first Monday of October next, there shall be elected by the qualified electors of said county of Tuskola, a county judge, in accordance with the provisions of chapter eighty-six of the Revised Statutes of Wisconsin, who shall hold his office from the first day of January next, under the same terms and re-

strictions and with the same limitations as is provided by said act for county judges. The county courts of said county shall be held in accordance with law, at such place in the village of Cedarburg, as shall be designated by the supervisors of said county, until the completion of the court house therein.

Seat of justice of Tuskola.

Sec. 9. The present village of Cedarburg, is hereby established as the seat of justice of said county of Tuskola. The new county shall be attached to Washington county for judicial purposes until the first day of January 1851.

Liabilities of Washington county, how paid.

Sec. 10. The liabilities and indebtedness of the present county of Washington, shall be paid satisfied and discharged rateably by said county of Washington and county of Tuskola, according to the last assessment of Washington county, except so far as the county of Washington shall have a fund on hand, or in prospective, which said fund shall be used in discharge of such indebtedness. The board of supervisors of either county shall have power to audit claims for which both counties are liable.

Duty of supervisors of Tuskola county.

Sec. 11. It shall be the duty of the board of county supervisors, elected at the next April town election, within the limits of said county of Tuskola, to meet at the school house in the village of Cedarburg, on the third Monday of May next, at ten o'clock, in the forenoon, and organize a board of county supervisors, and shall then proceed to select within the limits of said town of Cedarburg, suitable and convenient grounds for the erection of a Court House and other county buildings, and make provisions for the immediate erection of the same.

Terms of courts, &c.

Sec. 12. The terms of the circuit court of the county of Tuskola, shall be held in the year 1851, and thereafter, in each year, on the third Moday in April and fourth Monday in October, and all process, appeals, recognizances and other proceeedings commenced either in the circuit court of Washington county, or in the county court of said county prior to the first day of January next, shall be prosecuted to final judgment therein, in the same manner they might have been had this act not have been passed.

Register to transcribe certain records.

Sec. 13. The register of deeds of the present county of Washington, shall transcribe all the records of deeds, mortgages, and contracts relating to lands or personal property within the limits of the county of Tuskola, and attach his certificate of the correctness to the same, under oath thereto; he shall procure all necessary books for doing said work, at the expense of said county of Tuskola, and receive the sum of ten cents per folio for transcribing said records, out of the treasury of said county. He shall deposite the records transcribed as aforesaid, on or before the first day of January next, in the office of the register of deeds of the said county of Tuskola.

To vote on division of county.

Sec. 14. On the first Tuesday of April next, the electors resident within the said county of Tuskola shall cast their votes for or against the division of the county of Washington, as provided for in this act, for which purpose a separate ballot box shall be kept at each poll in said county of Tuskola, and those electors wishing to vote in favor of the division, shall deposite a ballot,

whereon is written or printed the words "For division," those wishing to vote against division, shall deposite a ballot, as aforesaid, "Against division."

Votes, how returned and certified. SEC. 15. The votes so taken shall be returned and certified to the clerk of the board of county supervisors of the county of Washington, on or before the second Tuesday of April next, and shall be canvassed in the same manner as is now provided for by law for the election of county officers, and if a majority of all the votes cast on that subject shall be in favor of a division, then said county of Washington shall be divided, and the county of Ozaukee established as hereinbefore provided, and if there shall not be a majority of the votes given as aforesaid then the said county of Washington shall remain with its present boundaries.

Secretary of State to cause act to be published SEC. 16. It shall be the duty of the Secretary of State immediately after the passage of this act to have the same published in the "Washington Blade," published at Port Washington, and in the "Wisconsin Banner," and "Volksfreund," published in Milwaukee.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

Chap 115 An act to change the name of Daniel B. Pecker of Southport.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

D. B. Packer. SECTION 1. The name of Daniel B. Pecker is hereby changed to Daniel B. Packer.

SEC. 2. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

Chap 116 An act to authorize R. C. Treat to construct and maintain a bridge across Fox river.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Bridge built. SECTION 1. That R. C. Treat, his associates, successors, or assigns, are hereby authorized to build, construct, and maintain a bridge across Fox river, on section number twenty-four, (24,) township number sixteen, (16,) of range number eleven, (11,) east.

SEC. 2. Said bridge shall forever remain free of toll for crossing the same, and shall be constructed with a draw, capable of letting all boats pass and re-pass through the same without delay, and shall in no manner obstruct the free navigation of said Fox river. Bridge to be free.

SEC. 3. Any person or persons committing any malicious injury to said bridge hereafter to be constructed according to the provisions of this act, shall be liable to the owner or owners thereof, for the amount of injury so done, and all damages sustained may be collected before any court having competent jurisdiction, and in accordance thereto, upon conviction therefor be punished in the manner prescribed by law for offences of that nature. Injuries how punished.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to confirm the report of commissioners to lay out and establish a state road from Newark to Fond du Lac. **Chap 117**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the report of the commissioners appointed by section five, of an act entitled, "an act for laying out certain roads therein described, approved March 31st 1849," to lay out and establish a state road from Newark to Fond du Lac, be hereby confirmed, and that the line of said state road be established as reported by said commissioners: *Provided,* No part of the expense of laying out said road shall be paid from the state treasury. Report confirmed.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to authorize Pliny Pierce to build and maintain a dam on the Manitowoc river. **Chap 118**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Pliny Pierce, his heirs, successors, and assigns, be, and they are hereby authorized and empowered to build and maintain a dam across the Manitowoc river, in the county of Manitowoc, upon lots two and eight, in section fourteen, in town nineteen, range twenty-three, east of the fourth principal meridian, o erect mills or other machinery, or in any other manner to make Dam authorized to be constructed.

shall pay such amount for such services as to them may seem proper.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

Chap 122 An act to change the place of holding the county court in the county of Racine.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Court to hold session at Burlington.

SECTION 1. Every other general and special term alternately of the county court in and for the county of Racine in this state, shall hereafter be held at the Odd Fellows' Hall in the town of Burlington in said county, or at such other place in said town as the judge of said county court shall direct until herein otherwise provided.

Bond to be given.

SEC. 2. A good and sufficient bond in the penal sum of two thousand dollars shall be executed to the board of supervisors of said county of Racine, with a condition therein contained, that the obligors named in such bond shall furnish and provide a good and sufficient court room for the holding of said court in said town of Burlington, free of all costs and charges to the county of Racine. The aforesaid bond shall be executed by three or more persons residents of said county, who shall severally take and subscribe an oath or affidavit, stating that he is worth the sum of two thousand dollars, over and above his debts and liabilities, and shall be approved by the judge of the first judicial circuit court of this state, and delivered to the clerk of the board of supervisors of said county of Racine.

Court to hold sessions at Waterford.

SEC. 3. From and after the first Monday in March eighteen hundred and fifty-three, every other general and special term alternately of said county court, shall be held at such place in the village of Waterford in said county of Racine as the judge of said court shall direct, for the term of three years: *Provided*, That on or before the first day of January A. D. 1853, a bond in all respects similar to the one mentioned in section two of this act, and with like condition to furnish a court room free of charge, at said village of Waterford, shall be executed, approved, and delivered as specified in said section number two.

Bond to be given, &c.

When act to take effect.

SEC. 4. This act shall take effect when the bond mentioned in the aforesaid section number two, shall have been approved and delivered as hereinbefore specified, and not otherwise. All writs, suits, process, and other proceedings of said court, which shall be returnable at the city of Racine, at the time this act shall take effect, are hereby made returnable at the town of Burlington in said

county, and shall be as valid and effectual as if such change had not taken place.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to incorporate the city of Kenosha. **Chap 123**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The district of country included within the following limits and boundaries, to wit: The southeast quarter of section thirty, fractional section thirty-two, the southeast quarter of the northwest quarter of section thirty-one, the east half of the southwest quarter of section thirty-one, and the east half of section thirty-one, in township two, north of range twenty-three east, and also the north half of fractional section five, the east half of the northeast quarter of section six, the northwest quarter of the northeast quarter of section six, and the northeast quarter of the northwest quarter of section six, in township one, north of range twenty-three east, is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic, by the name and style of "the city of Kenosha," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying, and conveying real and personal estate, and shall have a common seal and may change the same at pleasure; and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to a municipal corporation.

Boundaries of the city of Kenosha.

Powers of corporation.

SEC. 2. The said city until the city council see fit to increase, alter, or change the same, shall be divided into three wards in manner following, to wit: All that part of said district of country comprised in the limits described in the first section of this act which lies within the following bounds. Commencing on the lake shore at the mouth of Pike creek, thence up the main channel of said creek through the centre, to the quarter section line, at the bridge west of the Congregational church, thence west on said quarter section line to the western limits of the corporation until it intersects a line drawn through the south-seat and south-west corners of the first western addition to said city, thence east along said last mentioned line to the south-east corner of said addition, thence north to a point of intersection with the centre of Wisconsin street, extending westwardly, thence east along the centre of said Wisconsin street to the lake shore, thence along the lake shore to the

City divided into three wards.

Boundaries of first ward.

Second ward. Third ward.

place of beginning, shall be the first ward. All that part of said district which lies north of the first ward shall be the second ward. And all the remainder of said district which lies south of the first ward shall be the third ward.

Government of city to consist of mayor and council.

SEC. 3. The government of said city and the exercise of its corporate powers, and management of its fiscal, prudential, and municipal concerns shall be vested in a mayor and council, which council shall consist of three aldermen, chosen from each ward actually residing therein, and shall be denominated the "city council," and also such other officers as are hereafter provided for.

Officers of city.

SEC. 4. The elective officers of said city shall be the mayor and city council, one marshal, one treasurer, one city clerk, one superintendent of common schools, and four justices of the peace, one constable for each ward, and one assessor for each ward, to be elected by the qualified voters thereof at the annual election of said city to be held in each ward on the first Tuesday of April in each year, and shall hold their respective offices for one year, and until their successors are chosen and qualified.

Qualification of electors.

SEC. 5. All qualified electors for members of the legislature of this state who have resided within the bounds of said city six months, and in the ward where he may offer his vote twenty days next preceding such election shall be deemed qualified voters of said city, and shall be entitled to vote in the ward in which the respectively reside for any officer in the city required by this act to be elected by the qualified voters of said city, and in all elections for city officers, after the organization of said city government under this act, the mayor shall issue his proclamation to the qualified voters of said city, setting forth the time of such election, the place or places where the same is to be held in the several wards and the several officers to be chosen; and said proclamation shall be published in one or more newspapers printed or in general circulation in said city, at least ten days previous to said election; and after the organization of the city government under this act it shall be the duty of the city council to provide the place or places of holding all elections in said city for city officers, the hours of the day the same shall continue open, to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same; and may make such other arrangements concerning said elections as may be lawful and convenient for the citizens of the several wards; and the person or persons having the highest number of votes shall be declared to be duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by any elector, the judges of election or some one of them before receiving the vote of any such person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If any person offering to vote shall take such oath, his vote shall be received; and if any

Mayor to issue proclamation.

Proceedings when vote of elector challenged.

President for

person shall take such oath knowing it to be false, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he may reside, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act, and if any judge of election shall knowingly and corruptly receive the vote of any person not duly qualified to vote, such judge shall be liable to indictment, and on conviction thereof shall forfeit and pay for the use of the city, a sum not exceeding five hundred dollars nor less than one hundred dollars. False swearing and illegal voting.

Sec. 6. The president of the village of Southport shall designate the first Tuesday of April in the year 1850, for holding the first election, and shall appoint three suitable persons in each ward of said city to be judges of the first election under the provisions of this act, and also two suitable persons to be clerks thereof in each ward, and shall notify the several persons so appointed, and shall publish a notice in one or more of the newspapers in said city, at least ten days previous to the said election, designating the several places for holding the same, and to procure a suitable place in each ward for holding said election, which said first election shall be opened between the hours of eight and ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon; said election shall be conducted agreeably to the provisions of this act, and it shall be the duty of the judges of said election in the several wards within three days thereafter, to make and direct the returns thereof to the recorder of the village of Southport; and the said recorder shall lay the same before the trustees of said village at their meeting next ensuing such election, and it shall be the duty of said trustees within three days (Sundays excepted,) after such returns shall have been received to make an abstract thereof, and immediately notify in writing the persons elected as aforesaid of their several elections under this act. When first election to be held &c. How vote returned.

Sec. 7. At the first election the electors in their respective wards shall vote for one mayor of the city, one marshall, one treasurer, one city clerk, one superintendent of common schools, and four justices of the peace, and the following officers for the ward where the elector may reside: three aldermen, one constable, and one assessor, and annually thereafter the electors at their respective ward elections shall vote for one mayor, one marshal, one treasurer, one city clerk, one superintendent of common schools, and two justices of the peace for the city at large, and for the ward in which the elector may reside three aldermen, one constable, and one assessor. At the first meeting of the city council the justices first elected shall determine by lot which two shall go out of office at the end of one year, and which two at the end of two years; and if any of said justices are absent from said first meeting of the city council, the city clerk shall draw the lots for the absentees. Officers to be elected for city and each ward.

Trustees to determine who elected.

SEC. 8. The board of trustees of the village of Southport shall determine who shall have been properly elected at the first election; and the president of the board of trustees of said village shall administer the oath of office to the first mayor, and such mayor shall administer the oath of office to the several aldermen who have been declared to be duly elected, and also to all other officers in said city; all subsequent elections shall be determined on by the mayor and city council; and the new mayor in every case may be sworn into office by his predecessor or clerk, and he shall administer the oath of office to all newly elected aldermen and officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in the presence and under the direction of the mayor and city council.

Oaths &c.

Powers and duties of mayor.

SEC. 9. The mayor shall be the chief executive officer and head of the police of the city; it shall be his duty to recommend in writing to the city council such measures as he may deem expedient, he shall keep the seal of said city, sign all commissions, licenses, and permits which may be granted by the city council, he shall maintain peace and good order, and see that the laws [of] the state and ordinances of the city are observed and executed; he shall have power to administer oaths or affirmations, and to take and certify acknowledgments of deeds and other instruments in writing; as a judicial officer he shall have all the power, and exercise the jurisdiction of justices of the peace in this state by giving the bonds required by law; and in case of riot or other public disturbance, he may appoint as many special or temporary constables as he may deem proper.

City council to assembly, &c.

SEC. 10. The members of the city council shall on the first Monday after each annual election, or as soon thereafter as may be practicable, assemble at their council chamber or some other suitable place in said city, and elect from their own body a president to preside in their meetings in the absence of the mayor; and a majority of all the members shall be a quorum for the transaction of business, each member shall be entitled to one vote. The mayor shall preside in [the] city council, and shall have a casting vote and no other therein. In case of the vacancy of the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the president of the city council shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy be filled by a new election, and in case of absence or inability of both the mayor and president of the city council a president pro tem. shall be elected, and for the time being shall discharge the duties of mayor.

How vacancies filled.

Power of council to preserve order.

SEC. 11. The city council shall have power to preserve order and propriety in its proceedings, and to punish in a summary manner by fine and imprisonment all disorderly or disrespectful conduct in its presence, and also to compel by pecuniary penalties the attendance of its members; the city council shall determine

the rules of their proceedings and keep a journal thereof, which shall be open to the inspection of every citizen, at all reasonable times and hours, and prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, and said city council may adopt any by-laws for their own government, not inconsistent with the provisions of this act.

Who officers of the peace.

Sec. 12. The mayor, or acting mayor, each and every alderman, marshall, deputy marshall, watchman; each and every justice of the peace and constable of the city of Kenosha, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behaviour, in a manner consistent with the ordinances of said city, within the limits thereof, and for such purposes may command the assistance of all bystanders, and if need be of all citizens and military companies; and if any person, bystander, military officer or private of such company, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the city council, in such case provided; and in all cases where the civil power may be required to suppress riotous or disorderly behaviour, the superior or senior officer, presentin the order mentioned in this section, shall direct the proceedings.

Powers of the marshall.

Sec. 13. The marshall shall possess all the powers, and enjoy all of the rights of a constable of the town of Southport, and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed by the mayor, and when necessary in criminal cases, or for the violation of any ordinance of said city, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots disturbances and breaches of the peace; to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice, in any part of the state of Wisconsin; to apprehend any person in the act of committing any offence against the laws of this state or ordinances of the city, and forthwith to bring such persons before competent authority for examination, and for such services he shall receive like fees as is allowed to constables for like services; he shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city, and he shall have power to appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of the duties. Said marshall shall execute and file with the clerk a bond for the faithful performance of his duty, to be approved by the city council.

Duties of treasurer, and his powers.

Sec. 14. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city; all monies raised, received, recovered and collected by means of any tax, license, penalty, fine, forfeiture, or otherwise, under the authority of this act, or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by a written order, signed by the mayor,

or acting mayor, by order of the city council, and countersigned by the city clerk, who shall keep a copy thereof. Such order shall specify the amount of money to be drawn and the object of the appropriation; he shall keep a just and accurate account of monies and other things coming into his hands, as treasurer, in a book to be provided by the city council for that purpose, which shall remain the property of said city wherein he shall note the time when, the person from whom the amount of the several sums received, and the source from whence the said sums, respectively arose, which said books, shall at reasonable times be open to the inspection of the electors of said city; he shall as often as the city council require, render to said council a minute account of his receipts and payments, and at the expiration of his office, he shall hand over to his successor, all moneys, books and vouchers, in his possession belonging to said city; he shall before he enters upon the duties of his office, execute to the city a bond for the faithful discharge of his duties, to be approved by the city council, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Duties of clerk

SEC. 15. The clerk shall attend the meetings of the city council; he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the city council, and the city council shall fix and prescribe his compensation therefor; he shall file in his office all chattel mortgages presented to him, and safely keep the same, receiving the same compensation therefor that town clerks now receive; and all chattel mortgages, so filed, shall be as valid and legal as if the same had been filed in the town clerks office, or recorded in the office of the register of deeds.

His compensation.

Powers of city council.

SEC. 16. The city council shall have power to enact, establish, publish, enforce, alter, modify, amend, or repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules or by-laws are hereby declared to be, and to have the force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this state, and for those purposes shall have authority by ordinance or by-laws:

1st. To establish rates for, and license and regulate taverns, groceries and victualling houses, and all persons retailing or dealing in spirituous, vinous or fermented liquors, and to license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performance under the ordinances, or at common law.

2nd. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, houses of ill fame, billiard tables, nine or ten pin alleys, or tables, shows, and exhibitions and to authorize the destruction of all instruments or devices used for the purposes of gaming.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandlers shop, soap factory, tannery, stable, barn privy, sewer, or other unwholesome or neauseous houses or places, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city.

5th. To direct the location and management of all slaughter houses and markets, to establish rates for and license venders of gunpowder, and regulate the storage and keeping and conveying of gunpowder or other combustible materials.

6th. To prevent the encumbering of the streets, side-walks, lanes, alleys, or public grounds, with carriages, carts, waggons, sleighs, sleds, boxes, lumber, fire-wood or other materials or substance whatever.

7th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

8th. To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same.

9th. To prevent the running at large of dogs, and to authorize their destruction in a summary manner, when at large, contrary to the ordinances, or to impose a tax on the same.

10th. To prevent any person from bringing, depositing or having within said city, any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or any putrid or unsound beef, pork, fish, hides, or skins of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants of said city or any ward therein, to erect lamps and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen and draymen, within the limits of the city.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bill of mortality, and to exempt burying grounds and grounds set apart for the public use from taxation.

13th. To regulate the procuring of fire buckets, and the purchase of fire engines, to prescribe and regulate the materials of which houses may be built within the fire limits, and the manner of erecting and securing chimneys, and to provide for removing chimneys which may be deemed dangerous, and to require and provide for the building of new chimneys when deemed neces-

sary, at the expense of the owners or occupants of buildings, when the same may be required; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be exempt from seizure or distress or sale in any manner, and if the owner refuse or neglect to procure suitable ladders or fire buckets, after reasonable notice, the city council may procure and deliver the same to him, and in default of payment therefor, may bring an action of debt against said owner, and be entitled to recover in such action, the value of such ladders, fire buckets, or both, with costs of suit; to direct the safe construction for the deposit of ashes; to appoint fire wardens, and prescribe their duties; to regulate the manner of putting up stoves and stove pipe; to compel the owners or occupants of houses or buildings to have scuttles on the roofs of said houses and buildings, and for the purpose of arresting the progress of any fire, the mayor and council, or any three members thereof, may direct any building or buildings to be torn down, removed or blown up with gun powder, and any buildings so destroyed shall be paid for by the corporation; and to establish such other measures of prudence for the prevention or extinguishment of fires, as the said city council shall deem proper.

14th. To establish fire limits.

15th. To regulate the building of wharves and bridges, and provide for the security and protection of the same.

16th. To prevent all persons riding or driving any horse, ox, mule or cattle, or other animal on the side walks in said city, or in any way doing any damage to such side walks.

17th. To prevent the shooting of fire-arms or crackers, except by special permission of the city council, and to prevent the exhibition of any fireworks, in every situation which may be considered by the city council dangerous to the city or any property therein, or annoying to any citizen thereof.

18th. To restain drunkards, immoderate drinking or obscenity in the streets or public places, and provide for arresting, removing and punishing any person or persons who may be guilty of the same.

19th. To regulate the police of the city; to appoint watchmen and firemen, prescribe their duties and punish their delinquencies.

20th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

21st. To regulate the place and manner of weighing and selling hay, of measuring and selling of fuel and lime, and appoint suitable persons to superintend and conduct the same.

22d. To compel the owner or occupant of any building or ground; to remove the snow, dirt or rubbish from the side walk, street or alley, opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all

such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof, by some suitable officer, at the expense of such owner or occupant.

23d. To protect trees and monuments in said city.

24th. To provide for clearing out of Pike Creek, all drift wood, and other obstructions, and to prevent encroachments of any kind thereon, within said city; to appoint a harbor master and prescribe his duties.

25th. The city council shall have power to purchase or lease a house or farm for the use of the poor who may become city charges; to appoint an overseer of said poor house or farm, to fix his compensation and determine his duties, and enact the necessary ordinances for the management of said house or farm, and of the city poor.

27th. To prevent all persons from casting or depositing in the harbor or in any of the public waters within or around said city, the carcasses of animals and filth of every nature, and to punish the authors thereof.

May prescribe penalties, &c.

SEC. 17. In all cases in relation to which, by the provisions of this act, the city council have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinance or by-law, not exceeding fifty dollars for any one offence in violation or non-observance thereof, and may also provide, that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said city shall have the use of the jail of Racine county for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county.

Process, &c.

SEC. 18. On all suits for the violation of any ordinance of the city, the process may be by warrant, and it shall be sufficient without setting forth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought; the defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance published in a newspaper or pamphlet, by authority of the city council, shall be prima facie evidence of the passage and publication of such ordinance.

Violation of ordinance, how punished.

SEC. 19. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said city, shall contain a clause, directing in the event of the non-payment of the judgment, the imprisonment of defendent in the county jail for such term as shall have been provided by the ordinance under which the judgment shall have been rendered; all fines, penalties and forfeitures, when collected, shall be paid into the city treasury for the use of the city.

By-laws, &c., how published

SEC. 20. Any ordinance, regulation, rule, or by-law imposing any penalty or forfeiture for the violation of its provisions shall be

published one week in some newspaper printed in said city before the same shall be in force, and proof of such publication by the affidavit of the printer or foreman in the office of the newspaper where such publication may have been made shall be the conclusive evidence of the publication and promulgation of such ordinance, regulation, rule, or by-law in all courts and places.

Sec. 21. No person shall be an incompetent judge, justice, witness, or juror by reason of his being an inhabitant of said city in any action or proceeding in which said city is a party or interested.

Process against city how served.

Sec. 22. When any action or suit shall be commenced against said city, the service thereof may be made by leaving a copy of the process attested by the proper officer with the mayor or clerk, and it shall be the duty of the mayor or clerk on whom such process may have been served forthwith to inform the city council thereof, or take such other proceedings as by ordinance of said council may have been in such case provided.

Member of council prohibited from contracting &c.

Sec. 23. No member of the city council shall be a party to or interested in any contract or job with the city, and any contract in which any member of the city council may be so interested, notwithstanding this prohibition shall be null and void and of no force against said city as a party thereto.

Duties of council.

Sec. 24. The city council shall settle all claims and demands against the city, settle with the treasurer annually, and make out and publish accounts of the receipts and expenditures of said city annually for the information of the citizens.

Power to appoint officers.

Sec. 25. The city council shall have power to appoint and at their pleasure to remove by a vote of a majority of the board present and acting, the following officers, and such others as may be deemed necessary to carry out the powers conferred by this act on said municipal corporation, viz: One chief engineer of the fire department, three fire wardens, and as many assistant wardens as the said city council may from time to time deem expedient; one sealer of weights and measures, one or more surveyors and so many measurers of fuel, grain, lime, and other marketable articles, weighers of hay, pound masters, sextons, and keepers of the burial grounds, inspectors of streets, street commissioners, an inspector of lumber and harbor masters as the city council may from time to time deem expedient, and prescribe their duties and compensation, and to impose and enforce in law such penalties as to the said city council may seem proper for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by said city council.

In failure of electing how to proceed.

Sec. 26. If any election provided for in this act shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending, or absolving the said corporation, but such election may be held at any time thereafter by order of the city council, of which time ten days public notice shall be given, and further if any of the duties enjoined by this act at a time herein specified, or specified by any ordinance of said city

are not then done, the city council may appoint another time upon which the said duties may be done: *Provided*, That the officer so failing to execute such duties at the time required shall be liable to the same actions, fines, and penalties as he would be liable to if the said council had not the power to appoint another time.

When special election to be held.

Sec. 27. Whenever the office of any person elected under the provisions of this act by the qualified voters of the city or in any ward thereof, shall become vacant by reason of the death, resignation, removal, refusal, or neglect to qualify, or for any cause whatever, the same may be filled by special election, to be held at such time and place as may be designated by the mayor or acting mayor and city council, and the person or persons so elected shall fill the vacancy during the remainder of the term for which his predecessor was elected.

Officers when to qualify.

Sec. 28. All officers elected or appointed under the provisions of this act, shall within four days after the said election or appointment, and before entering upon the duties of their respective offices take an oath or affirmation faithfully and impartially to discharge the duties of their offices, to which such persons may respectively be elected or appointed, and in all cases not in this act provided for, shall require such fees and compensation for their services, and be liable to such fines, penalties, and forfeitures for negligence, carelessness, misconduct in office, and positive violations of duty as the city council shall by ordinance order and determine: *Provided*, That the said city council shall not have power to vote any pay or compensation for the members thereof or for the mayor except as herein provided for.

Formation of fire companies &c.

Sec. 29. The city council shall have power to authorize the formation of fire engine, hook and ladder, and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time and prohibit their meetings as such when disbanded; which companies shall be officered and governed by their own by-laws: *Provided*, Such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment; every member of each company in said city shall be exempt from serving on juries and from poll work and military duty, except in case of war, invasion, or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Owners and masters of vessels liable for injuries.

Sec. 30. The said city council shall have power to pass ordinances imposing penalties against the owners and masters of vessels or the vessels themselves, for any wilful or malicious injuries done by their vessels or vessel to any of the bridges or public docks, and to enforce the same in an action of debt, and by imprisonment as in the case of other ordinances, and for every such injury said vessel or craft shall be liable in an action by warrant, in the name of the city for all such damage and injury, to be enforced according

to the provisions of "an act to provide for the collection of demands against boats and vessels" in the Revised Statutes.

Mayor to be ex-officio supervisor.

SEC. 31. The mayor of said city is hereby declared to be ex-officio supervisor, and as such is hereby empowered to meet with and act in the county board of supervisors in the same manner and with the same rights and powers as is or may by law be prescribed and exercised by other members of said county board. In case of the absence or inability to act of the mayor, then the city council shall select from their own number one member to meet with and act in the said county board.

Power to lay out street &c.

SEC. 32. The said city council shall have power and authority to lay out new highways, streets, alleys, and public walks, and to vacate such highways, streets, alleys, and public walks as in their opinion shall not be of public utility, to regulate, grade, pave, and improve streets, avenues, lanes, and alleys, and to extend, open, and widen the same, and notice of the passage by the city council of an order for laying out, vacating, changing, or altering said highways, streets, alleys, and walks shall be given by publishing notice of said order in some newspaper printed in Kenosha immediately after the passage of the order aforesaid; and if any person shall claim damages by reason of the laying out of or vacating, changing, or altering thereof, and shall file his notice of such claim in writing with the clerk within ten days after the order for laying out, vacating, or altering shall have been made by the city council, the city council shall cause the damage if any over and above the benefit accruing thereby to such claimant to be assessed by a jury as herein provided.

Person claiming damage to give notice.

Proceedings in case of laying out streets &c.

SEC. 33. The said city council shall at the expiration of ten days after the making and entering of any order for the opening and laying out, extending, or vacating any highway, street, alley, or public walk, cause to be summoned six good and lawful freeholders, inhabitants of said city, (and not directly interested) who being first duly sworn for that purpose, shall take into consideration the necessity of the laying out, opening, and extending such street; the said jury shall also take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damage which would be sustained by reason of the laying out, opening, extending, or widening of any street, avenue, alley, or public walk as aforesaid, and shall moreover estimate the amount which other property shall be benefitted thereby, all of which shall be within six days returned to the city council under their hands and seals, and the property so benefitted and assessed shall be liable for the payment of the same, and the same shall be a lien on such property and be collected in the same manner as annual taxes are collected and payable, and the residue if any shall be paid out of the city treasury on account of the ward where such improvement shall be made.

Power to grade side walks and to lots.

SEC. 34. The city council shall have power to cause to be graded, gravelled, and paved the side walks on any street or part of a street within said city, and to levy and collect a special tax on the lots and land bounding and abutting on such street or side walk

or near thereto, in proportion to the front or size of such lots respectively, for the purpose of defraying the cost of the same in addition to the ordinary tax authorized by this act to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the city council to provide by ordinance for the assessing, correction and equalization of such special tax; and the property so assessed shall be liable for the payment of the same; and in case any tax mentioned in this and the preceding section shall be returned delinquent, the proceedings for the sale of the lots or land so returned shall in all respects be the same as in case of delinquency in the payment of the annual city taxes with the addition of like interest, cost and penalty.

Power to improve streets.

SEC. 35. The said city council shall have power to cause the streets, highways, lanes, alleys, commons, and market places of said city, to be kept in repair, and may cause the same to be graded and otherwise improved as the interest of the city may require, and shall have exclusive power of appointing street supervisors within the limits of said city, and prescribing their several duties, and the city council shall have power to cause the public streets, lanes, alleys, highways, and public grounds that now exist within the limits of said city to be surveyed, described, and permanently marked on a plat thereof to be recorded by the clerk in a book to be kept by him for that purpose, in which book shall also be recorded a plat of any new street, lane, or alley which may hereafter be established by the city council under the provisions of this act, and also any change or alterations in any of the streets, lanes, or alleys, and such survey and record shall be thereafter conclusive evidence of the position and limits of such street, lane, alley, or highway.

City plat to be recorded.

Highway work to be performed.

SEC. 36. There shall be two days work performed annually on highways, streets, and alleys by each male person who by the laws of the state is subject to perform highway work, such person to perform such labor within the ward where he resides, under the direction of such street commissioners or supervisors as the city council may appoint, but any such person may at his option pay at a rate of seventy-five cents per day for every day he may be so bound to labor, and in default of the payment of such money or the performance of such labor the street commissioners or supervisors may sue for and collect such money by an action of debt in the name of the city of Kenosha, with fifty per cent. damages on the same, together with cost of suit before the mayor of the city or any justice of the peace, and in all such cases the process shall be by warrant, and no stay or execution upon any judgment rendered on such suit shall be taken or allowed: *Provided however*, That the city council shall have power to order said work laid out upon any road leading out of said city and not within the city limits.

Annual tax to be levied.

SEC. 37. For the discharge of any debt against said city or expenditure authorized by the city council under the provisions of this act or ordinance of said city or to defray the current expenses of said city, the city council shall have power to levy and

collect annually a tax on all such real and personal property or capital of any kind within said city, subject to taxation by the laws for levying the taxes of this state for the time being

Duties of treasurer.

Sec. 38. It shall be the duty of each assessor to make out in the month of May, annually, a list of all taxable property within the ward for which he was appointed, with such a clear and definite description, that the property and owner thereof may be known as nearly as practicable, and shall set opposite to each lot or part of a lot or piece of land or other article or commodity, in such list contained, the actual cash value thereof, as nearly as the said assessor can determine, and if the name of the person owning the lot or liable for the tax is unknown, the fact shall be stated by writing "unknown owner," in place of the name, and said assessment roll shall be returned in the month of May to the clerk with an affidavit of the assessor that the assessment roll comprises all the real and personal property liable to taxation in the ward for which he was elected.

Duty of clerk and city council.

Sec. 39. It shall be the duty of the clerk, annually, upon the receipt of the assessment roll as aforesaid, to lay the same before the city council for their consideration, and the said city council shall be a board of equalization to consider the valuation of the property in the several lists of assessments, and if deemed necessary, make such amendments, corrections and alterations as to them may seem proper and necessary to produce equality of assessment, agreeably to the true value of property comparatively in the several wards; the said city council, on or before the first Monday of July annually, shall levy upon the whole amount of such assessment as corrected and equalized, such a per centage, as by a vote of a majority of all the members of the city council, shall be deemed necessary for the several purposes hereinbefore mentioned. It shall be the duty of the clerk, under the direction of the city council, to make out in accordance with such determination a schedule of all the property in each ward, separately, as contained in said assessment roll, annexing to each lot or other item of property, in separate columns, the amount of tax which will be chargeable on the same, which schedule shall be called the tax list, and shall be recorded by said clerk, for each ward separately, in a book to be by him kept for that purpose, and said tax list or the record thereof, shall either of them be conclusive evidence of the amount of taxes assessed for the current year, in which the same shall be made out.

Further duty of clerk.

Sec. 40. It shall be the duty of the clerk to complete the tax lists of each ward within such time as may be prescribed by the city council, and deliver the same to the treasurer of the city, together with the warrant of said city council for collecting the same, and make a record of such delivery in a book where such lists shall be recorded, or in a book containing the proceedings of the city council, which record shall be conclusive evidence of such delivery and the tax so assessed on real estate shall be a lien in preference to any other lien on estate so taxed until the same shall be paid or satisfied, together with all costs and charges which may accrue thereon agreeably to law.

Sec. 41. Upon receipt of the tax lists as aforesaid it shall be the duty of the treasurer of said city (who shall be the collector for all the wards (to give public notice in some newspapaper printed in said city that such tax lists have been committed to him for the purpose of collecting the taxes thereon, and that he will receive payment of taxes at his office in said city until the last day of December then next ensuing, and said notice shall also state the time and place when and where he will sell all lots and lands in said lists contained, upon which the taxes remain unpaid at such time, or so much thereof as will pay and satisfy all taxes which may be assessed thereon, together with all costs and other liabilities which shall accrue, according to law, by advertisement and sale, and said notice shall be published six successive weeks in some newspaper of said city, between the last day of September and the last day of December in the year of said notice. Trustees to publish notice.

Sec. 42. The said city council shall not borrow any money on the credit of the corporation, except for the purpose of constructing a harbor at the south mouth of Pike Creek in manner hereafter mentioned, nor shall the credit of the city be given or loaned to aid any individual corporation or association. Not to borrow money, except &c.

Sec. 43. The city council are authorized to levy a special tax of any sum not exceeding ten thousand dollars, annually, for the purpose of constructing a harbor at the south mouth of Pike Creek, said tax to be levied on all lands and town lots within the limits of said city, not exempt from taxation by the laws of the United States or of this state, not including any improvements made thereon, and the city council are hereby authorized and directed to appropriate all sums raised in pursuance of this act, to the construction of a harbor at the south mouth of Pike Creek, agreeably to such [plan] as shall have been approved by the officer of the Topographical Department of the General Government. If no tax shall be levied in any year for the construction of a harbor, the city council are authorized to borrow on the credit of said city in such sums as they may deem proper, any amount not exceeding ten thousand dollars to be applied to the construction of a harbor at the south mouth of Pike creek: *Provided*, That no money or other property shall be borrowed on the credit of the city for a term exceeding five years, and on interest exceeding twelve per cent: *Provided* also, that all taxes levied for the payment of the principal and interest on the sum or sums borrowed as aforesaid shall be levied on the same kind of property that the tax for the construction of a harbor is levied. Authority to levy harbor tax. Proviso. Proviso.

Sec. 44. No tax shall be levied nor money or other property shall be borrowed under the provisions of section 43 unless a majority of the voters possessed of a freehold estate, or occupying lots upon leases, on which lots they pay the taxes, who shall actually vote upon the question, shall first in each year determine to raise such a tax or authorize such loan; and for the purpose of determining whether such tax shall be raised or loan made, the city council shall order a special election of the voters, at such times Real estate owners to determine question of harbor tax.

and in such places in the several wards as they shall deem proper, giving ten days notice of the same in some newspaper printed in said city. Such elections shall be conducted in the same manner as other elections in said city are conducted for city purposes. The city council shall have power, for the purposes contained in this and the previous section, to pass an ordinance prescribing the powers and duties of the assessors of said city, as to the time and manner of assessing the lands and lots, and the method of equalizing and perfecting the same. And in case said tax or any portion thereof remains unpaid on the last day of December, after said tax has been levied, the lands and lots upon which the tax remains unpaid shall be returned and sold in the same manner and be subject to the same provisions as in case of the non-payment of other city taxes.

SEC. 45. In case the tax on any real estate in said tax lists contained shall remain unpaid after the last day of the December next ensuing the publication of said notice, the treasurer shall, on the second Monday of January next ensuing, commence the sale of said real estate and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed, and charged thereon, agreeably to this act and the treasurer shall give to the purchaser or purchasers of any such real estate a certificate, assignable by endorsement, describing the particular lots or land by him or them purchased, stating the sum paid therefor, and the time when the purchaser will be entitled to a deed for the same lots or lands, and if the person claiming the title to said lots or lands shall not, within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate together with the interest thereon at the rate of twenty-five per centum per annum from the date of such certificate, then it shall be the duty of the treasurer of the city for the time being, after the expiration of said two years, to execute to the purchaser, his heirs or assigns on presentation of such certificate, a conveyance by deed of the lots or land so sold, which conveyance shall be prima facia evidence in all controversies and suits, in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed of the following facts: First, that the land or lot conveyed was subject to taxation at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law; second, that the taxes were not paid at any time before the sale; third, that the lands conveyed had not been redeemed from the sale at the date of the deed; and said conveyance shall be conclusive evidence of the following facts: first that the land or lot was advertised for sale in the manner and for the length of time required by law; second, that the land was sold for taxes as stated in the deed; third, that the grantee in the deed was the purchaser or assignee of the certificate; fourth, that the sale was conducted in the manner required by law. And in all controversies and suits involving the title to land claimed and held under and

Treasurer to sell.

by virtue of a deed executed by the treasurer as above provided, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes had been paid, that the land had never been listed and asessed for taxation, or that the same had been redeemed according to the provisions of this act, and that such redemption was had or made for the use and benefit of the persons having the right of redemption under the laws of this state, but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she, or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States, or this state, after the sale, and that all taxes due upon the lands have been paid by such person or the person under whom he claims title as aforesaid, and every such conveyance shall be executed by the treasurer under his hand and the seal of the city in the name and behalf of the city of Kenosha, and may be given in evidence and recorded in the same manner and with like effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded: *Provided*, That in cases of assessment of taxes in gross upon any lot or piece of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with the interest and charges thereon proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest, and charges shall be a lien only on the remainder of such lot or piece of land. The treasurer is hereby authorized to give certificates of redemption, and to execute the deeds in the manner herein specified, for all lands sold for taxes levied by the trustees of the village of Southport, as hereinbefore incorporated, and such deeds or certificates shall have the same force and effect as deeds and certificates given for sale by such treasurer

Claimant redeeming to pay penalty.

Sec. 46. If any person holding the certificate of purchase of any lot or piece of land in pursuance of this act shall pay any tax levied subsequent to the purchase of such lot or piece of land the owner or other claimant who may redeem such lot or piece of land, shall pay the amount of such tax with interest, at the rate of twenty-five per cent. per annum from the date of such payment for the benefit of such holder of the certificate.

Tax to be a lien.

Sec. 47. Taxes upon real estate shall be a lien upon the estate taxed, and it shall be the duty of the treasurer upon receiving the tax lists and warrants immediately to proceed to the collection of the same.

Treasurer to sell, &c.

Sec. 48. In case any person shall neglect to pay any tax assessed on his personal property after the publication of the notice herein mentioned, the treasurer shall proceed to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same or of any goods and chattels found in his possession within the city of Kenosha, and no claim of property to

be made there to by any other person shall be available to prevent a sale.

To give public notice.

SEC. 49. The treasurer shall give public notice of the time and place of the sale with a description of the property to be sold at least ten days previous by advertisement in some newspaper and to be posted up in three public places in the city of Kenosha, and the sale shall be by public auction.

How surplus disposed of.

SEC. 50. If the property distrained shall be sold for more than the amount of the tax and legal charge thereon, the surplus shall be returned to the person in whose possession said property was found when the distress was made, or to the person for whose tax the same was distrained as the case may be.

In case of removal how to proceed.

SEC. 51. In case any person upon whom personal property shall be assessed, shall have removed out of the city of Kenosha after such assessments, and before such tax ought by this act to have been collected, it shall be lawful for the treasurer to levy and collect such tax by distress on the goods and chattels of the person so assessed in any town within the county of Kenosha, to which said goods shall have been removed or in which he may reside.

Penalty for resisting levy.

SEC. 52. Any person who shall resist any levy made by the treasurer for the payment of any taxes as aforesaid, shall be dealt with in the same manner as is or may be provided by law for resisting process in the hands of the sheriff or constables.

Treasurer to advertise, &c.

SEC. 53. Six months previous to the time limited by this act for redeeming lots or lands sold for taxes, it shall be the duty of the treasurer of said city to publish at least twelve weeks successively in some newspaper or newspapers printed in said city a list of all unredeemed lots or lands, describing each lot or piece of land or any part thereof as the same was assessed and sold, together with a notice to all interested therein of the time when the same will become forfeited, and the city council shall fix and determine the amount which shall be paid for printing such advertisements, and for other expenses consequent thereon and direct the clerk to add the expense so fixed and determined to the tax which may be levied on each of said lots for the year (or the year succeeding) in which such advertisement shall be made, and such additional tax shall be collected and paid into the treasury at the same time and in the same manner as the general tax on said lots or lands for the same year are returned to be paid agreeably to the provisions of this act.

Fees of treasurer.

SEC. 54. It shall be lawful for the treasurer to demand and receive the following fees, viz: For each certificate of sale to be given to a purchaser at any tax sale of any lot or piece of land or part thereof ten cents for each certificate of redemption of any lot or piece of land or part thereof, for a single piece of land ten cents, and five cents for every additional lot or piece described in such certificate, to be paid by the person or persons redeeming the same; a per cent. on all moneys he shall receive and pay to wit: one half of such commission for receiving and the other half for

paying out: *Provided*, That said commissions shall not exceed four per centum in any year.

How questions decided.

Sec. 55. On all questions before the city council on the passage of ordinances, rules, by-laws, regulations of any kind touching the police, health, peace, and good order of the city, levying, assessing, or equalizing taxes, appointment of officers and all questions of a general nature, a majority of the members present and acting at any board shall determine the question, and all ordinances, rules, by-laws, and regulations passed under this act as aforesaid shall be signed by the mayor or presiding officer of the city council and clerk.

City may hold property.

Sec. 56. The said city of Kenosha shall have power to hold real or personal estate, and may sell and convey the same at pleasure, and shall have the custody and control of all real and personal estate and other corporate property belonging to said city.

Kenosha declared successor of Southport.

Sec. 57. The said city of Kenosha shall be and is hereby invested as the lawful owner and proprietor of all the real and personal estate, and all the rights and privileges thereof belonging to the corporation of the village of Southport, together with all the property, funds, and revenues, and all moneys, debts, and demands due and owing to said village of Southport as a corporate body, which by or under any former acts, ordinances, grants, donations, gifts, or purchases have been acquired, vested, or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits pending or judgments recovered by or in favor of or against said village of Southport, or the trustees thereof, and all rights, claims, and demands in favor of or against the same may be continued, prosecuted, completed, defended, and collected in the same manner as though this act had not been passed.

Officers of village of Southport to remain in office until election, &c.

Sec. 58. The president, trustees, and all other officers of the village of Southport now in office, shall remain in their respective offices and perform the several duties thereof, until the mayor and city council are elected under this act: the recorder and treasurer of the village of Southport shall transfer all the books, papers, and moneys which may be in their hands to the clerk and treasurer who may be elected agreeably to this act, and all laws, ordinances, resolutions passed and adopted by the trustees of the village of Southport, shall remain in full force until altered or repealed by the city council established under this act.

When connection dissolved, &c.

Sec. 59. From and after the first Tuesday of April, A. D. 1850, the connection of the city of Kenosha and town of Southport for town purposes is dissolved, and the duties now or hereafter imposed upon the supervisors of towns so far as relates to the city of Kenosha, shall be imposed upon the mayor and council of said city; and other town officers which are or may be provided by law to be elected annually in the several towns, be and they are hereby declared inapplicable to the town government of said city, the same being merged in and superceded by the power of local government which by this act are conferred on the city authori-

ties; and so much of the town of Southport as is not included in the city limits shall be and constitute a town as heretofore by the name of Southport, for all purposes of town and county government, and shall hold their next town meeting at such place as the present supervisors of the town of Southport shall direct.

Penalty for refusing to deliver papers.

SEC. 60. If any person having been an officer of said city shall not within ten days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city, one hundred dollars besides all damages caused by his neglect or refusal so to deliver, said penalty to be recovered before any court of competent jurisdiction in the same manner as penalties for the violation of city ordinances are collected.

How presence of absentees enforced.

SEC. 61. A majority of the aldermen present at any regular (or special meeting properly called,) shall have power to enforce the attendance of absentees by compulsory process, and a resolution passed by a majority of such aldermen for the attendance of absentees, shall enpower the marshal or other officer in attendance of the common council to enforce the attendance of such absentees, the same as writs of attachment, enpower officers to compel the attendance of witnesses in courts of justice.

Rights reserved to legislature.

SEC. 62. This act may be amended, altered, or repealed by the legislature, and the act entitled "an act to incorporate the village of Southport." approved February 9, 1841, and the several acts amendatory thereto, and all acts and parts of acts inconsistent with this act shall be and the same are hereby repealed, such repeal to take effect at the time when this act becomes operative.

SEC. 63. This act shall be a public act, and shall be construed favorably in all courts and places.

MOSES M. STRONG,
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

Chap 124

An act to pay Elisha Burdick the amount of certain territorial bonds.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

E. Burdick.

SECTION 1. That there be paid to Elisha Burdick the sum of three hundred dollars and twenty-six cents, being the amount of two territorial bonds herewith surrendered to be cancelled, out of any money now in the treasury.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to change the name of the town of Fox Lake in the county of Dodge. **Chap 125**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the town of Fox Lake in the county of Dodge, is hereby changed to "Waushara," by which name it shall be hereafter known in all courts and places whatsoever. Waushara.

SEC. 2. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act to amend an act entitled "an act to incorporate the Milwaukee and Janesville plank road company." **Chap 126**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for said company to construct any part of said road with coal, gravel, or other hard substance, making a hard, smooth, and even surface. How road may be constructed.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

An act for the relief of the town of Calumet in Fond du Lac county. **Chap 127**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the town superintendent of schools of the town of Calumet in the county of Fond du Lac, be, and hereby is authorized and empowered to receive and distribute to the several schools districts in said town, the full amount of school money which would have been due to them had the said several districts fully complied with the law regulating the distribution of school moneys for the year ending on the first Monday of April next, any law to the contrary notwithstanding.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

Chap 128 An act to legalize the tax levied January 2d, 1850, in school district number seven of the town of Janesville, Rock county.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Tax declared legal.

SECTION 1. The tax levied January 2d, 1850, in school district number seven of the town of Japesville, Rock county, Wisconsin, is hereby declared legal and valid, any informality in giving the notice for the election notwithstanding.

Collector to collect, &c.

SEC. 2. The collector for said district is hereby required to proceed to collect the taxes and make return of his warrant as is provided for by law in other cases: *Provided always*, The board of directors may extend the warrant for the term of sixty days after the return day thereof, if they deem it advisable.

SEC. 3. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

Chap 129 An act to provide for taking up a part of Pearl street, in the village of Southport, Wisconsin.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Declared vacated.

SECTION 1. That so much of Pearl street, in the village of Southport, Wisconsin, as runs through and divides blocks number four and five on the south-west fractional quarter of section thirty-two, town two north, of range twenty-three east, be and the same is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

Chap 130 An act to provide for the election of certain officers in the city of Milwaukee

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Officers to be elected.

SECTION 1. There shall be elected by ballot at the next charter election held in the city of Milwaukee, one Marshall for the city, and one street inspector in each ward, who shall each hold their respective offices for the term of one year. And so much of the act incorporating said city, or of any act supplementary or amen-

datory thereto as conflicts with the provisions of this act is hereby repealed.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

An act to provide for the election of circuit judges. **Chap 131**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. An election for the judge of the circuit court shall be held on the last Monday of September of each year, in any judicial circuit wherein the term of office of the judge of such circuit shall expire during such year. Said election shall be conducted and the votes canvassed in the same manner as at general elections for state and county officers. The inspectors or judges of said election shall make returns to the clerk of the board of supervisors of their respective counties immediately after the same are canvassed, and the clerks of the boards of supervisors shall file the same in their office and forthwith transmit a certified copy thereof to the governor of the state. When & how election of judges to be held.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

An act granting to William Armstrong the right to keep and maintain a ferry across the Wisconsin river. **Chap 132**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1 William Armstrong, his heirs or assigns shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the Wisconsin river on section seven, town twelve north of range nine east. Right to keep ferry.

SEC. 2. Such ferry shall be subject to such regulations as other ferries are or may by law be subject, fixing the rates of toll in the manner in which licensed ferries shall be kept and attended, and no ferry shall be licensed within two miles of the point where the ferry above provided for shall be established. Regulations of &c.

SEC. 3. This act may be amended by any future legislature of the stae of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

Chap 133 An act granting to James C. Potter the right to keep and maintain a ferry across Lake Apuckaway, in the Fox River, at the village of Marquette.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Right to keep ferry, &c. SECTION 1. That James C. Potter, his associates, and their heirs, executors, administrators or assigns, shall have the exclusive right and privilege, for the period of five years, to keep and maintain a ferry across Lake Apuckaway, in the Fox River, from block twenty, at the foot of Dodge Avenue, in the village of Marquette, on the south side of said lake, to the north shore of the same, svbject to such regulations as other ferries are, or by law may be, subject to fixing the rates of toll and the manner in which licensed ferries shall be kept and attended to; and no other ferry, for the services of which fees or tolls shall be demanded and received, shall be allowed or kept within two miles of said village plat, at which said ferry is hereby authorized.

SEC. 2. This act may be annulled or repealed by any future legislature of the state of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8, 1850.
NELSON DEWEY.

Chap 134 An act to lay out certain roads therein named.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

From Dodgeville. SECTION 1. David S. McIntosh, William A. Broady and Isaac Farwell, are hereby appointed commissioners to locate and establish a state road, commencing at Dodgeville, in Iowa county; thence by Hickcox's mill, to Arena, on the Wisconsin river; thence on the most feasible route to the ferry at the mouth of Dell creek in Sauk county.

SEC. 2. Said commissioners shall have power to adopt any road or part of a road already lawfully established on said route.

Commission's to locate road. SEC. 3. Said commissioners shall meet on or before the first day of June next, at Dodgeville, and proceed to locate said road.

The commissioners appointed under the provisions of this act, shall upon the performance of this work be entitled to such compensation for their services, as the county supervisors of the counties where such services are performed shall deem just and proper, to be paid out of the county treasuries respectively: *Provided*, That the county of Sauk shall not pay to exceed twenty-five dollars of said expense. Proviso.

SEC. 4. Ralph Smith, John R. Smith and N. H. Beebe, are hereby appointed commissioners to lay out and locate a state road from Richmond, in Richland county, to the school house in the Washington school district in the county of Crawford. From Richland.

SEC. 5. No expense incurred by authority of this act shall be a charge against the state.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

An act to change the name of Thomas M. Colburn to Thomas M. Peck, and making him heir at law of John R. Peck. **Chap 135**

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Thomas M. Colburn of the town of La Fayette, in the county of Walworth, be, and the same is hereby changed to Thomas M. Peck, by which name the said individual shall and may hereafter be known in all places whatever. Name changed.

SEC. 2. And that the said Thomas M. Peck, be, and he is hereby made and constituted heir at law of John R. Peck of the said town of La Fayette. Constituted heir at law.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

An act to amend an act entiled an act to provide for the continuation of the Lisbon and Milwaukee plank road. **Chap 136**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Section one of an act entitled an act to provide for the continuation of the Lisbon and Milwaukee plank road, is hereby amended by inserting after the word "Madison," in the ninth line of said section in the printed act, the words "and to Act amended.

take and use any portion of the highway from Watertown to Milwaukee."

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 8, 1850.
NELSON DEWEY.

Chap 137 An act to authorize the construction of a bridge over the south branch of the outlet of Winnebago lake.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authority to build bridge.

SECTION 1. That Gorham P. Vinning, William M. Tygert and John R. Kimberly, and their associates have authority, to build, construct and maintain a bridge across the south branch of the outlet of lake Winnebago, from the point in the village of Winnebago Rapids, where the state road from Winnekona intersects Fox river at the foot of Walnut street, in said village, below the dam.

Dimensions of bridge.

SEC. 2. Said bridge shall not be less than fourteen feet wide, with a draw over the canal forty feet wide.

Bridge free.

SEC. 3. Said bridge shall forever remain free of toll for passing the same.

Persons liable for injuries.

SEC. 4. Any person or persons who shall do any wilful injury to said bridge, shall be liable to the owner or owners thereof for the amount of said damage, to be recovered in any court of competent jurisdiction, and in addition thereto, upon complaint being made, may be punished as now provided by law for injuries of that nature.

Duties of owners.

SEC. 5. The owners of said bridge shall attend the draw, or cause the same to be attended, so as to pass and re-pass all boats, vessels and other water craft, at all times free of expense and without unnecessary delay or interruption, and be liable for all damage that may occur to any person or persons in consequence of any insufficiency of said bridge, or any bad management of the draw of the same.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 8, 1850.
NELSON DEWEY.

Chap 138 An act for the relief of the county of Sauk

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

A credit to

SECTION 1. The Secretary of State, is hereby authorized and

required on his being furnished with satisfactory proof by the supervisors of the county of Sauk, to certify the amount now standing against said county for the arrearage taxes that has resulted from double assessment and taxation of property in said county, and the State Treasurer is hereby required to credit the amount so certified to the county of Sauk. Sauk county.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

An act relating to the sale of intoxicating liquors, and to repeal chapter twenty-nine of the Revised Statutes. **Chap 139**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. No person shall hereafter be allowed to vend or retail intoxicating liquors or drinks, until he shall have executed to the treasurer of the city, town, or village, in which he may reside or carry on such business, a bond in the penal sum of one thousand dollars, with two or more sufficient sureties, who shall be residents of the place where such business is carried on, conditioned to pay all damages that community, or individuals may sustain by reason of his or her vending intoxicating liquors; support all paupers, widows and orphans made, or helped to be made, by his or her said traffic, and pay the expenses of all civil and criminal prosecutions made, growing out of, or justly attributable to his or her vending or retailing intoxicating liquors or drinks, which bond shall be subject to the approval of the common council of such city, the supervisors of such town, or the trustees of such village: *Provided*, They shall not be liable for any costs in suits, unless judgment be recovered against him or her, upon the cause of action upon which the suit is brought, but they may recover costs as in other cases. Bond to be executed of $1,000. Its conditions. Proviso.

Sec. 2. The bond above required, shall be filed with the treasurer of such city, town, or village, as the case may be, and a copy of the same, certified by such treasurer, shall be received as evidence in all courts of justice in this state. Bond filed—a copy to be evidence in court.

Sec. 3. It shall be the duty of the treasurer with whom such bond may be filed, to deliver, on demand, a copy of the same to any person who may claim to be injured by such traffic, and the said treasurer shall be entitled to receive from such person, who may demand such copy, the sum of twenty-five cents therefor, as his fee for making and certifying to such bond before he delivers a copy therefor, [thereof.] On demand the treasurer to give copy of bond.

Sec. 4. It shall be lawful for any married women to institute and maintain in her own name, a suit on such bond, for all damages sustained by herself, or children, on account of such traffic, Married women may sue for damages.

Chap 141

An act to amend chapter sixteen, title six, of the Revised Statutes.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Chapter nineteen amended.

SECTION 1. So much of section fifty-six, and the subsequent sections of chapter sixteen, title six, of the Revised Statutes, as provides for the recovery of damages upon laying out or altering any road shall be so construed that no damages shall be paid to or received by the party aggrieved until such road shall have been opened by order of the supervisors.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

Chap 142

An act to amend chapter 126 of the Revised Statutes.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Amendment to process of quo warranto.

SECTION 1. Section sixteen of chapter one hundred and twenty-six, entitled "of informations in the nature of a quoa warranto, and in certain other cases" of the Revised Statutes, is hereby amended to read as follows: Whenever any writ of summons, issued upon an information in the nature of a quoa warranto, shall be returned duly served, the attorney general may thereupon enter a rule, in vacation or in term time, requiring the defendent to plead to the information filed against him in such time as the court or judge at chambers shall direct after service of copy of said rule; and the same shall be served in the same manner, and with like effect, as rules upon declarations in personal actions.

SEC. 2. This act shall be published immediately by the public printer in a newspaper printed at Madison, and from the time of such publication shall take effect.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

Chap 143

An act to appropriate to C. L. Sholes the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

C. L. Sholes.

SECTION 1. That there be, and hereby is appropriated out of any money in the treasury not otherwise appropriated, to C. La-

tham Sholes the sum of six thousand one hundred and twenty dollars in full for four thousand copies of the Revised Statutes of the State of Wisconsin, subscribed for and received by the Governor of the State.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to amend "an act to incorporate the town of Potosi," approved February 2, 1846. **Chap 145**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That section two of an act entitled "an act to incorporate the town of Potosi," be and the same is hereby repealed, and the second section of this act be and the same hereby is substituted in place and stead thereof. Section repealed.

Sec. 2. It shall be lawful for the inhabitants of said town who are subject to a tax either on personal or real estate, and who are otherwise qualified by law to vote, to meet in said town as provided in the third section of the act to which this is amendatory, and then and there to elect by ballot one president, who shall be ex-officio a trustee, four trustees, one assessor, one treasurer, and one clerk. New section.

Sec. 3. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate,
Approved, February 9, 1850.
NELSON DEWEY.

An act to amend section 77, of chapter 15 of the Revised Statutes. **Chap 146**

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-seven of chapter fifteen is hereby so amended that the town clerk shall not be authorized to deliver the warrant and tax list therein mentioned to the sheriff of the county until after the second Monday of December in each year.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 147 An act to incorporate the Shullsburg Branch Rail Road company.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Names of corporators.

SECTION 1. Edward Gratiot, Azel P. Ladd, Augustus Easty, Joseph M. Brewster, John Griffin, John R. Gray, Martial Cottle, Lewis Garsey, William Leonard, Edward Vaughn, Henry Stephens, Edward Melory, James H. Knowlton, John McNulty, William Howdle, Thomas James, and John Hill, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and assigns are

Their title.

hereby created a body corporate, by the name of the "Shullsburg branch rail road company," and by that name shall be, and are hereby made capable in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements, and hereditaments, so far as may be necessary for the purpose of said rail road;

Power to hold property.

and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, and also to make, have, and use a common seal, the same to alter, break, or renew at their pleasure; and if either of the persons named in this section, shall die, refuse, or neglect to execute the

Power to fill vacancies.

powers and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies, so often as the same shall occur.

Survey and estimate.

SEC. 2. The said corporation are hereby empowered to cause such examination or surveys to be made, as shall be necessary to ascertain the most advantageous route whereon to construct a rail road, and shall cause an estimate to be made of the probable cost thereof, for each mile separately; and the said corporation shall be and they are hereby invested with the right to construct a rail road with one or more railways or tracks, from some convenient point in the village of Shullsburg, in the county of La Fayette, to such point on the line of the Chicago and Galena rail road as may

Termini.

be deemed advisable by said corporation, and also to construct a rail road as aforesaid from the aforesaid point in the village of Shullsburg, north of such convenient point of termination as may be deemed advisable by said company.

Capital stock.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and five dollars on each share shall be paid at the time of subscribing.

Subscriptions for stock when and how taken

SEC. 4. The above named persons, or a majority of them, are authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription; which books shall be opened within ten years from the passage of said act, at such place or places as they may deem expedient, by giving thirty days notice in some newspaper printed in said county, or by posting three written notices in three conspic-

nous places in said county of LaFayette, of the time and place or times and places of opening said books; the said books to be kept open forty days.

Meeting of stockholders how called.

Sec. 5. So soon as said stock, or twenty thousand dollars thereof, shall have been subscribed, the above named persons, or the same number thereof as shall have given the notice above required, shall give like notice for the meeting of the stockholders to choose directors at some time at least thirty days thereafter, and at some place within the said county of LaFayette, and if at such time and place the holders of one half or more of said stock subscribed, shall attend either in person or by lawful proxy, they shall proceed to choose from the stockholders, by ballot nine directors, each share of capital stock entitling the owner to one vote; and at such election, the persons named in the first section of this act, or those appointed by its provisions, to fill vacancies which may have occurred, or any three of them if no more be present, shall be inspectors of such election, and shall certify in writing, signed by them or a majority of them, what persons are elected directors; and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be directors, to complete the number required, and shall certify the same in like manner; and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting five shall form a board competent to transact all business of the company; and thereafter a new election of directors shall be made annually at such time and place as the stockholders at their first meeting shall appoint; and if the stockholders at their first meeting shall fail to appoint the day of such election, then it shall be holden in the succeeding year, on the same day of the same month on which said first election was holden, unless the same be on the first day of the week, in which case it shall be holden on the next day succeeding; and if no election be made on the day appointed, said company shall not be dissolved, but such election may be made at any time appointed by the by-laws of said company; the directors shall elect one of their number president, and shall appoint a secretary, treasurer, such engineers, and other officers, as they may find necessary, shall fix their compensation, and may require adequate security for the performance of their respective trusts.

Election of directors how conducted.

Inspectors to appoint meeting of directors.

Succeeding meetings of stockholders.

Officers of board.

Payment of stock.

Sec. 6. The directors may receive payment to the subscriptions to the capital stock at such time and in such proportions, not exceeding twenty-five per cent. at any one installment, under such conditions as they shall deem fit, under the penalty of forfeiture of all previous payment thereon or otherwise: *Provided*, They shall never require the payment to be made at any place out of the counties through which said road shall pass; and such directors shall, at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner provided in the fourth section of this act, for giving notice of the opening of the books of subscription for the stock of said company.

Proviso.

General powers of directors.

Sec. 7. The directors of said company shall have power to make from time [to] time all needful rules, regulations, and by-laws,

touching the business of said company, and to determine the number of tracks and railways upon said road, and the width thereof, and the description of carriages which may be used thereon, to regulate the amount of tolls and the manner of collecting the same for such transportation, and to fix penalties for the breach of any such rules, regulations, or by-laws, and to direct the mode and condition of transferring the stock of said company, and penalties provided for by the said by-laws may be sued for by any person authorized thereby, in the name of said company, and recovered in an action of debt before any court having jurisdiction of the amount, and the said company may erect and maintain toll houses and such buildings and fixtures as the accommodation of those using said road may require.

Right to enter upon lands.

SEC. 8. The said company shall have the right to enter upon any lands to survey and lay down said road not exceeding one hundred feet in width, and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, as to the compensation to be paid therefor, the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors, insane persons or married women, the guardian or guardians of such minor or minors and insane persons, and the husband of such married woman may select for themselves an arbitrator, and the company shall select an arbitrator, and the two thus selected shall take to themselves a third person, who shall be sworn, and paid by said company as arbitrators between the parties, and render copies of their award to each of the parties in writing, from which award either party may appeal to the court of proper jurisdiction for the county in which such land or materials may have been situate, and in all cases in which compensation shall in any manner be claimed for lands where there has been no improvement made, it shall be the duty of the arbitrators and court to award a fair compensation for said lands and materials, and appeals in such cases shall when taken be in all respects proceeded in as appeals in other cases in said court, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same on the docket of said court, setting down the claimant or claimants as plaintiff, and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company, said company shall have the same right to retain, own, hold, and possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to said company by deed as long as the same shall be used for the purposes of said road.

Damages how determined.

Appeals from arbitrators.

How proceeded in.

Power to cross highways &c.

SEC. 9. The said company may construct the said rail road across any public or private road, highway, stream of water or water course if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water course to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, water or water course to the owner or to the public.

Use of road.

Sec. 10. All persons paying the toll aforesaid, may with suitable and proper carriages use and travel upon said road, always subject however to such rules and regulations as said company are authorized to make by the seventh section of this act.

Dividends when made.

Sec. 11. So soon of the amount of tolls as accruing and received from the use of said road or part thereof according to the provisions of this act shall exceed six per cent. upon the amount of said capital stock paid in, after deducting therefrom the expenses and liabilities of said company, the directors of said company shall make a dividend of such nett profits among the stockholders in proportion to their respective share, and no accumulative fund exceeding one per cent. of the profits of said company shall remain undivided for more than six months.

Penalties for injury to road.

Sec. 12. If any person or persons shall wilfully obstruct or in any way spoil, injure, or destroy said road or any thing belonging or incident thereto, or any materials to be used in the construction thereof, or any building fixture or carriage erected or constructed for the use or convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby to be recovered in an action of debt in any court having jurisdiction of the amount.

Wagon ways to be provided.

Sec. 13. Whenever it shall become necessary in the location or construction of said road to pass through the land of any individual, it shall be the duty of said company to provide for said individual proper wagon ways, and it shall be liable to such individual in treble the amount of damages occasioned by said neglect.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,
Approved, February 9, 1850.
NELSON DEWEY.

An act to incorporate the Milwaukee and Fond du Lac plank road company. **Chap 148**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

Section 1. That Augustus Greulich, Francis Heubschmann, Jacob A. Horner, John B. Vleit, William F. Opitz, Frederick Hilgen, John H. Thien, Moses Weil, William Wightman and John Bannister, be, and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Milwaukee and Fond du Lac plank road company, hereby incorporated; and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in Milwaukee county.

Amount of cap ital stock.

SEC. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, in shares of twenty dollars each, and as soon as five hundred shares of the capital stock shall be subscribed, and ten per cent on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic, by the name and style of the Milwaukee and Fond du Lac plank road company, with perpetual succession;

Powers, &c.

and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, personal or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which are authorized by law for the interest and well being of said company.

When commissioners to give notice of meeting to elect directors.

SEC. 3. The said commissioners, or a majority of them, after the said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in the newspapers heretofore mentioned, of the time and place of a meeting of the stockholders for the purpose of electing seven directors; and annually thereafter, the said stockholders shall meet on the first Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors, for the time being, in such newspapers as they may

Proviso.

think proper: *Provided*, that previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties, and be invested

Proviso.

with all the power of directors: *Provided further*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid, that until such election, the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of any irregularity or want of such election, and in case of any vacancy in the board of directors, the same shall be filled by the other directors or a majority of them.

How affairs of company managed.

SEC. 4. The affairs of said company shall be managed by a board of seven directors, who shall be stockholders, and be chosen annually by ballot, by the stockholders of said company, the votes to be given in person, or by proxy, duly authorized, which directors shall appoint one of their number president, and shall serve

Duties, &c.

until others are elected in their stead. They shall make and establish such by-laws, rules, orders, and regulations as may be necessary for the well ordering of the affairs of said company.—Each share of stock shall be entitled to one vote, and in all cases of elections for directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

Five directors a quorum.

SEC. 5. Five directors shall be a quorum for the transaction of business, who in the absence of the president may appoint a

Duties, &c.

president, *pro tempore*. The said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary; shall fix their compensation and may demand ad-

equate security for the performance of their respective trusts: they shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, may declare forfeited to the use of the company the share or shares of every person failing to pay any instalment, at a reasonable period, not less than thirty days after the time appointed for the payment thereof: *Provided*, No instalment shall be demanded of the stockholders, exceeding two dollars at any one time on such share, nor while a sum exceeding three thousand dollars, remains in the hands of the treasurer, unappropriated, to such portion of the work as may at the time be completed. They shall have power to regulate tolls to make such covenants, contracts, and agreements with any person or persons, or body politic, whatsoever, as the execution and management of the works and the convenience and interests of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company. The commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for, or hold in said corporation, signed by the president and countersigned by the secretary, subject to all the payments due and to become due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws of said company.

Proviso.

Power of directors.

Duty of commissioners.

Sec. 6. The said company shall have power to locate and construct a single or double track plank road, from such eligible point in the city of Milwaukee and passing through the towns of Milwaukee and Mequon, and the villages of Cedarburg and West Bend, to the village of Fond du Lac; and they shall have power to extend said road from from Fond du Lac to Tayehedah, and to erect all such toll houses, bridges, and other works and appendages as may be necessary for the convenience of said company, in the use of said road, and also to connect said road with other plank roads in the territory or state of Wisconsin, and to unite and consolidate stock with any such plank road company. The track of said road shall be constructed of plank, stone, gravel or charcoal, in whole or in part, at the option of the directors, so that the same shall constitute a firm and smooth surface for the passage of wagons and carriages. The directors shall exercise all powers conferred on them by law; shall audit and pay all accounts against said company; fix the compensation and salary of the officers they may appoint; and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure; prescribe the meeting of the stockholders and declare and pay the dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of said stock to the stockholders of said company, on the first Monday of July and January in each year.

Power to locate road.—Route.

Materials to construct road.

Power of directors, &c.

Sec. 7. It shall and may be lawful for said company their of-

Right to lay

out a route.

fficers, engineers and agents, to enter upon any lands for the purpose or exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

Proviso.

When price of materials, &c. cannot be agreed upon the question to be submitted to jury.

Sec. 8. When the said corporation cannot agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purchase thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case, it shall be lawful for any justice of the peace of the town in which the property may lie, to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors to furnish a pannel of nine jurors, and from them, the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him, her or them, strike off, each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to review the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the

Jury to take an oath.

peace shall within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof, as aforesaid, and such valuation, when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, that it shall not be lawful for any justice and jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear, by affidavit, that such owner or owners have had at least five days notice of the time and place of the meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non-compos mentis. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof.

Verdict of jury how filed.

Proviso.

Proviso.

Sec. 9. The shares of stock of the corporation shall be deemed personal property, and every person becoming a shareholder by transfer, purchase or otherwise, of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the shares shall be liable to be taken in execution for the payment of the debts of the owner, in such manner as is or may be provided by law. Wherever the route of said road follows the line of any public highway, the said company shall not take possession of said highway until the commissioners of highways, for the town through which it passes, shall have given them written consent, which shall be recorded in the town clerks office.

Stock to be personal property.

Sec. 10. The directors may erect toll gates, and exact toll from persons traveling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh or carriage drawn by two animals; and if drawn by more than two animals, one cent a mile for every additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile; and for every horse and rider, or led animal, one cent a mile; for one score of sheep or swine, one cent a mile, and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll-gatherer at each and every gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any carriage or animal subject to toll until the toll thereon is paid.

May erect toll gate.

Rates of toll.

Proviso.

Punishment for malicious injury.

SEC. 11. If any person shall wilfully and knowing obstruct, break, injure or destroy the plank road to be constructed by said company or any part thereof, or any work, buildings or fixtures attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall, each of them, for every such offence be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either at the discretion of the court.

Additional penalties.

SEC. 12. Any person who shall wilfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages done to the profits of said company, in an action of trespass.

Directors may increase capital stock.

SEC. 13. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

Rights rescind to state.

SEC. 14. If said company shall violate any of the privileges hereby granted, the legislature of the state of Wisconsin may rescind all and singular the rights and privileges vested in said company by this act.

How charter to become null and void.

SEC. 15. If said corporation shall not within three years from the passage of this act commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, finish and put in operation a single or double track of plank road from Milwaukee to Fond du Lac, then the rights, privileges and powers of the said corporation under this act shall be null and void.

How act construed.

SEC. 16. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the state, shall be received as evidence thereof.

SEC. 17. This act may be altered or amended by any future legislature of the state of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.

NELSON DEWEY.

An act to repeal an act entitled "an act to authorize Nathan H. Strong and Thomas Noyes to establish and maintain a ferry across Fox river," approved February 23, 1848, and to authorize Nathan H. Strong and Thomas Noyes to build, construct and maintain a bridge across said river. Chap 149

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Act repealed. SECTION 1. That an act entitled "an act to authorize N. H. Strong and Thomas Noyes to establish and maintain a ferry across Fox river, passed, approved February 23, 1848," is hereby repealed.

Authorized to build bridge. SEC. 2. That Nathan H. Strong and Thomas Noyes, their associates, successors, and assigns, are hereby authorized to build, construct, and maintain a bridge across Fox river at the foot of Huron street in the village of Stronsville, Marquette county.

Bridge to have draw. SEC. 3. Said bridge shall be constructed with a draw, capable of letting all boats pass and re-pass through the same without delay, and shall in no manner obstruct the free navigation of said river.

Punishment for malicious injury. SEC. 4. Any person or persons committing any malicious injury to said bridge hereafter to be constructed under the provisions of this act, shall be liable to the owner or owners thereof for the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction, and in accordance thereto, upon conviction thereof or be punished in the manner prescribed by law for offences of that nature.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to authorize the laying out of a state road therein named. Chap 150

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed. SECTION 1. That James T. Flint, S. C. Jerome, and Alonzo D. Dick, be, and are hereby appointed commissioners to lay out and establish a state road from Plymouth, Sheboygan county, to some point on Lake Winnebago, in the town of Manchester in Calumet county.

Compensation. SEC. 2. The commissioners shall not be entitled to any compensation from the state for services rendered under the provisions of this act.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 151

An act to provide for laying out a road from Waupun, Fond du Lac county to Oshkosh in Winnebago county.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That Henry W. Woolcott, Noah W. Jewett, and David W. Hyde, are hereby appointed commissioners to lay out and establish a state road from Waupun in Fond du Lac county, to Oskhosh in Winnebago county, the said road to run on the east line of section thirty-four, (34,) in the town of Rosendale, town sixteen, (16,) in range fifteen, (15,) east, county of Fond du Lac.

Compensation.

SEC. 2. The said commissioners shall be entitled to receive for laying out said road, such compensation as the board of supervisors of Fond du Lac and Winnebago counties may deem sufficient, no part of which shall be paid out the of state treasury.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 152

An act to authorize school district number one in the town of Delevan to raise a tax for the purposes therein mentioned.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to levy school house tax.

SECTION 1. It shall be lawful for school district number one, in the town of Delevan, at any annual or special meeting of said district, to levy a tax on the taxable property of said district, not to exceed one thousand dollars in any and each year, for three successive years next following the passing of this act, for the purpose of purchasing a site and erecting a school house thereon in said district: *Provided*, That due notice shall be given of all meetings at which any portion of said tax shall be voted.

How levied and collected.

SEC. 2. Said tax shall be levied and collected as is now provided by law for the levying and collection of taxes for the building of school houses.

SEC. 3. This act to take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to authorize the holding of an election in the county of La Pointe. **Chap 153**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The electors of the county of La Pointe are hereby authorized to hold an election on the first Monday of June next for the purpose of electing a sheriff, and to fill all vacancies in county offices within said county, who may enter immediately upon the duties of their respective offices. Authorized to elect county officers.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to Rev. John Penman the sum therein named. **Chap 154**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Rev. John Penman the sum of fifty dollars for services as chaplain at the last session of the legislature. Rev. J. Penman.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to repeal sections 14, 15, 16, 17 and 18 of an act entitled an act to amend an act incorporating the village of Geneva, approved Feb. 24, 1845. **Chap 155**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth sections of an act entitled an act to amend an act incorporating the village of Geneva, approved February 24, 1845, is hereby repealed. Sections repealed.

Sec. 2. This act to be in force and effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February, 9, 1850.
NELSON DEWEY.

Chap 156 An act to organize a court in the county of La Pointe.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

County organized, and judge to be elected.

SECTION 1. The county of La Pointe from and after the first Monday in the month of July next, shall be organized for judicial purposes, and the electors of said county are authorized to hold an election on the first Monday of July next, for the purpose of electing a county judge in and for said county; said judge shall enter forthwith upon the duties of said office, after due notice of his election, and the qualification according to law, and shall have the same powers and jurisdiction of other county judges; said judge shall hold his office until the next general election of county judges.

SEC. 2. The terms of the circuit court for the county of La Pointe shall be on the second Monday in March and the second Monday in September of each year.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 157 An act to incorporate the Two Rivers and Green Bay Plank Road Company.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That Hezekiah H. Smith, John F. Meade, Daniel Smith, Morgan L. Martin, Henry S. Baird, James M. Sprague, Lorenz Peterson, Henry Hamilton, and Charles B. Daggerts, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Two Rivers and Green Bay Plank Road Company, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking subscriptions, by publishing the same in a newspaper in Green Bay.

Created a body corporate.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, with continual succession for fifty years, by the name and style of "the Two Rivers and Green Bay Plank Road Company," for the purpose of constructing a plank or charcoal road, from the town of Two Rivers in the county of Manitowoc to the town of Green Bay in the county of Brown, which company shall have power to sue and be sued in all courts, to receive by gifts or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and the

same to sell, convey, or lease, to contract or be contracted with, in all matters pertaining to the objects of said road; to have and use a common seal, and pass all by-laws necessary for the government of said company.

Amount of capital stock.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company.

When commissioners to call meeting to choose directors.

Sec. 4. Whenever twenty thousand dollars of the capital stock of said company shall be subscribed for, and ten per cent. paid thereon to said commissioners for the use of said company, it shall be the duty of the commissioners named in this act to call a meeting of the stockholders, at such time and place as they shall designate, by giving public notice thereof in one or more newspapers published in the town of Green Bay, or by posting two or more written notices of the same in the most conspicuous places in the town of Two Rivers, for the purpose of choosing nine directors of said company, and the persons then chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead. The board of directors shall choose one of their number as president of the company, who shall also hold his office for one year, and until his successor is elected; at every election of directors of said company, each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

Kind of road to be constructed.

Sec. 5. The company when so organized shall have the right to locate and construct a single or double track, plank or charcoal road between the points mentioned in the second section of this act, or any part of the distance; the track of said road shall be constructed of timber and plank, charcoal, stone or gravel, or partly of each, so as to have a hard, smooth, and even surface, equal to a plank road surface; the particular manner of building said road to be determined by the said board of directors.

Directors to locate route.

Sec. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the supervisors of the town in which such road may be, for the right to use such highway for the purposes of said road, and the supervisors of such towns are hereby authorized to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon.

If 10 miles not completed within 5 years, charter forfeited.

Sec. 7. If said company shall not within five years from the passage of this act, commence the construction of said road, and shall not within that time have constructed a single or double track for a distance of ten miles, then and in that case, it shall be considered a violation and non user of their charter, and all the rights, privileges, and powers of said company under this act, shall be resumed by the state of Wisconsin, and such disposition made with regard to any portion of said road, which may have been constructed, as the legislature thereof may deem meet and proper, consistent with law and justice.

Authorized to survey route.

SEC. 8. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden without the consent of the owner thereof, nor through any buildings or any fixtures or erections for the purposes of trade or manufactures, or any yard or enclosures necessary to the use and enjoyments thereof, without permission from the owners; and when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors, and servants, at any time, to enter upon, take possession of, and use such lands, to the width of four rods; and also to take from any lands adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in the case of land.

To make use of materials for same.

In case of disagreement as to damages, how estimated.

SEC. 9. Whenever it shall be necessary for the said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners thereof shall refuse to permit such entry, or occupation, and the parties cannot agree upon the compensation to be made for any injury that may be done to such land by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation, fairly and impartially to estimate the same, and who shall reside within the counties where the land lies. The expenses incurred by said appraisers, shall be defrayed by the said company, but if parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointments within twenty days after the requisition for that purpose upon him made, or if such owner shall be under legal disability or out of the state, then it shall be lawful for the judge of the circuit court of the circuit in which such land lies, on application of either party, and at the cost and charge of the said company, to appoint three disinterested persons of the said county, to view and examine said lands and estimate the injury and damage, if any in their judgment will be sustained, as aforesaid, by reason of the location and construction of said road, and report the same under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day, each, for their services, to be paid by the said company, in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of such land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such

When to be decided in circuit court.

Compensation.

Proviso.

land be under any legal disability, the costs of such assessment shall be paid by said company, and it shall be the duty of the appraisers in estimating such damages, to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road: *Provided further*, That either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: *And provided also*, That upon payment or tender of payment of the sum specified in the report of said viewers or appraisers, to the owners of said land, or a deposite of the same for their benefit, with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal. Proviso. Proviso.

Directors to appoint officers.

Sec. 10. The directors of said company may appoint a secretary, treasurer, and such other officers as they may find necessary, and shall have full power to decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person or persons failing to pay any instalments so required to be paid, after advertisement of the same for a period not less than sixty days in one or more newspapers, or by posting two or more written notices, as hereinbefore provided: *Provided*, That no instalment called in at any one time, shall exceed five dollars per share, and that no instalment shall be called by the directors without giving at least thirty days notice thereof in the newspapers as aforesaid. Proviso.

Directors to issue certificate of stock.

Sec. 11. The directors elected as aforesaid shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said company, signed by the president, countersigned by the secretary, and sealed with the common seal; subject however, to all the payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided in the by-laws of the company.

Directors to exhibit statement.

Sec. 12. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by any number of stockholders holding one fourth in amount in the capital stock of the company, on like notice as required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stock shall be then and there represented. When business can be equally transacted.

May erect toll gates.

Sec. 13. On the completion of said road, or any portion of the track not less than five consecutive miles, the company may erect one or more toll gates upon their road, but not at a less distance than five miles apart, and may demand and receive such tolls as from time to time they think reasonable, not exceeding

Rates of toll. two cents per mile for any vehicle drawn by two animals, one cent per mile for every additional animal, for every vehicle drawn by one animal one cent per mile, for every horse and rider or led horse one cent per mile, and for every twenty sheep or swine, and for every twenty neat cattle one cent per mile: *Provided*, That it shall be the duty of said company during the month of January in each year after the completion of such portion of the road, as will authorize them to erect one or more toll gates, to make a report to the legislature, setting forth particularly the amount of capital invested, the length of road in operation, the expenses paid and tolls collected during the preceding year, and generally such information in regard to the affairs of the company as the legislature may require, which report shall be verified by the oath or affirmation of the president or secretary and one of the directors of said company.

Proviso.

Punishment for malicious injury. Sec. 14. If any person shall wilfully and knowingly obstruct, or break, injure, or destroy the road so to be constructed by said company, or any part thereof, or any work or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county, wherein the offence shall have been committed, and also be subject to indictment, and upon conviction of such offence shall be punished by fine and imprisonment, or either at the discretion of the court.

Individual stock liable. Sec. 15. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts in such manner as is or may be provided by law: *Provided*. That all debts due said company from such individual shall be first paid.

Proviso.

Debts not to exceed 50 per cent., &c. Sec. 16. The debts and liabilities of said corporation shall not exceed in amount at any one time fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law, and as provided for in this act.

Authorized to increase capital stock. Sec. 17. The directors of said company may at any annual or special meeting of the stockholders with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means: *Provided*, That the whole stock of said company shall not be so increased as to exceed at any time three thousand dollars per mile for each mile of road.

Proviso.

Penalty for misuser. Sec. 18. If said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act

and may establish rules and regulations for the government of said company in relation to said road and the use of the same.

SEC. 19. That said company shall be liable for all injury or damage which any person may sustain in his or her person or property, by reason of the said road being out of repair, or of any defects in said road. County liable for injuries.

SEC. 20. This act may be altered or amended by any future legislature of the state of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to Joel Rathbone the sum therein named. **Chap 158**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to Joel Rathbone the sum of one hundred and forty dollars, in full for interest on bonds numbered fifty-five and fifty-six, up to December 20th, 1849. J. Rathbone.

MOSES M. STRONG,
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to pay Moritz Schoffler, Frederick Fratney and Ernest F. Herzburg, the sum therein named. **Chap 159**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to Moritz Schoeffler, Frederick Fratney and Ernest F. Herzburg, for printing the pamphlet laws of 1849, in the German language under authority of an act entitled "an act to provide for the publication of certain laws therein mentioned in the German and Norwegian languages." M. Schoeffler and others.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 160 An act to appropriate certain sums therein named.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

D. B. Travis. SECTION 1. That there be, and hereby is, appropriated out of any monies in the state treasury not otherwise appropriated, to David B. Travis, sixty-four dollars and eighty-eight cents, for selecting lands under grant of ten sections, and marking plats of same.

The same. SEC. 2. That there be, and hereby is, appropriated out of any monies in the state treasury not otherwise appropriated, to David B. Travis one hundred and eighty dollars for selecting lands under the grant from Congress of five hundred thousand acres of land.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 161 An act to appropriate to Messrs. Atwood & Buck the sum of thirteen dollars and fifty cents.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Atwood and Buck. SECTION 1. There is hereby appropriated to Messrs. Atwood & Buck, the sum of thirteen dollars and fifty cents, out of any money not otherwise appropriated, for publishing laws of the state certified to by the secretary of state.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 162 An act to pay Charles Dunn, jr., Assistant Librarian.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

C. Dunn, Jr. SECTION 1. There is hereby appropriated to Charles Dunn, Jr., the sum of ninety dollars, for his services as assistant librarian for the present session of the legislature.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

An act to provide for paying the contingent expenses of the state for the year one thousand eight hundred and fifty. **Chap 163**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to Nelson Dewey, governor of the state of Wisconsin, the sum of three thousand dollars out of any money in the treasury not otherwise appropriated, for the purpose of paying the contingent expenses of the state of Wisconsin, for the year one thousand eight hundred and fifty. Contingent fund.

Sec. 2. The sum above appropriated shall be drawn by the governor in such sums as may from time to time be required for the payment of contingent expenses of the state. When drawn from treasury.

Sec. 3. The governor shall communicate to the legislature at its next annual session a detailed account of the contingent expenses of the state for the year one thousand eight hundred and fifty, and how much of said sum of three thousand dollars, above appropriated, has been drawn from the treasury by him. To render an account, &c.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to incorporate the Manitowoc and Calumet Plank Road Company. **Chap 164**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Daniel H. Whitney, Lemuel Goodell, Orrin F. Waller, William Umston, Alonzo D. Dick, William H. Dick, H. H. Champlin, A. McNulty, O. C. Hubbard, Pliny Pierce, Harvey E. Case, and R. H. Stuart, be, and are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Manitowoc and Calumet plank road company, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of receiving subscriptions, by publishing in a newspaper, printed either in the county of Manitowoc or Calumet, and if there should be no newspaper printed in either of the said counties, then in some newspaper printed in some county thereto adjoining. Commissioners appointed. To give notice.

Sec. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, with continual succession, by the name and style of the Manitowoc and Calumet plank road company, for the purpose of constructing a turnpike road from the town of Manitowoc in the county of Manitowoc, to some point on lake Winnebago, as near opposite Oshkosh, as shall be deemed most advantageous to said Stockholders created a body corporate, &c.

corporation, which company shall have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real and personal estate as may be necessary for the construction and management of said road, and the same to sell, convey or lease, to contract or be contracted with in all matters pertaining to the object of said road; to have and to use a common seal, and pass all by-laws necessary for the government of said company.

Amount of capital stock.

Sec. 3. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of twenty dollars, each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company.

When commissioners to call meeting.

Sec. 4. Whenever ten thousand dollars of the capital stock shall be subscribed for and distributed and ten per cent paid thereon to said commissioners for the use of said company, it shall be the duty of the commissioners named in this act to call a meeting of the stockholders at such time and place as they shall designate by giving public notice thereof in a newspaper published in either of the counties through which said road is run, or if no newspaper is published in either of the counties through which said road is run, then by publishing the same in an adjoining county for the purpose of choosing seven directors of said company, and the persons then chosen shall be the first directors of said company, and shall hold their offices for one year and until others are chosen in their stead. The board of directors shall choose one of their number as president of the company, who shall hold his office for one year and until his successor is elected. At every election of said company each stockholder shall be entitled to one vote for every share of capital stock he shall hold and may vote in person or by proxy.

Right of company.

Sec. 5. The company when so organized shall have the right to locate and construct a single or double track turnpike road between the points mentioned in the second section of this act or any part of the distance, and may connect the same with any other turnpike or other road.

Construction of road.

The track of said road shall be constructed of timber and plank, charcoal, stone or gravel, or partly of each so as to have a hard, smooth, and even surface. The particular manner of building said road to be determined by the said board of directors.

How location determined.

Sec. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the proper authorities of the town in which said road may be, for the right to use said highway for the purposes of said road, and the said proper authorities are hereby authorized to grant to said company the right to use any highway in their town, as aforesaid, on such terms as they may agree upon.

What to be taken as a non user.

Sec. 7. If said company shall not within five years from the passage of this act, commence the construction of said road, and shall not within that time have constructed a single or double track for a distance of ten miles, then and in that case, it shall be con-

sidered a violation and non user of their charter, and all the rights, privileges, and powers of said company under this act may be resumed by the state of Wisconsin, and such disposition made with regard to any portion of said road which may have been constructed as the legislature thereof may deem meet and proper, consistent with law and justice.

Right to enter upon land, & c. to lay out route

Sec. 8. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings, or any fixtures for the purposes of trade or manufacturers, or any yard or enclosures necessary to the use and enjoyment thereof, without permission from the owners; and when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, to the width of four rods; and also to take from any land adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in the case of land;

How compensation determined & c.

Sec. 9. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury that may be done to such land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation, fairly and impartially to estimate the same, and who shall reside within the counties where the land lies. The expenses incurred by said appraisers shall be defrayed by said company; but if the parties cannot agree upon such persons, or if the persons so chosen cannot decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose upon him made, or if such owner shall be under legal disability or out of the state, then it shall be lawful for the judge of the circuit court of the county in which such land lies, on application of either party and at the cost and charge of said company, to appoint three disinterested persons of the said county, to view and examine said lands, and estimate the injury or damage, if any in their judgment will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report being confirmed by said court judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day, each, for their services to be paid by the said company in all

Compensation of appraisers.

cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land be under any legal disability, the costs of such assessment shall be paid by said company, and it shall be the duty of the appraisers estimating such damages, to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road: *Provided further*, That either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court; *And provided also*, That upon payment or tender of payment of the sum specified in the report of said viewers or appraisers, to the owners of said land, or a deposit of the same for their benefit, with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

Proviso.

Proviso.

Proviso.

Power of directors.

Sec. 10. The directors of said company may appoint a secretary, treasurer, and such other officers as they may find necessary, and shall have full power to decide the time and manner and proportions in which said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company, any share or shares held by any person or persons failing to pay any instalment so required to be paid, after advertisement of the same for a period not less than sixty days in a newspaper, as hereinbefore provided: *Provided*, That no instalment called in at any one time shall exceed four dollars per share, and no instalment shall be called in by the directors without giving at least thirty days notice thereof, in a newspaper, as aforesaid.

Proviso.

Directors to issue stock certificates.

Sec. 11. The directors elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they shall subscribe for, or hold in the said company, signed by the president, countersigned by the secretary, and sealed with the common seal, subject, however, to all the payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided in the by-laws of the company.

Exhibit to be made.

Sec. 12. At each annual meeting of the stockholders for the purpose of choosing directors the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by the directors, or by any number of stockholders holding one-fourth in amount in capital stock of the company, on like notices as required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stock shall be then and there represented.

When toll gates authorized.

Sec. 13. On the completion of said road, or any portion of the track, not less than five consecutive miles, the company may

erect one or more toll-gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they think reasonable, not exceeding two cents per mile for any vehicle drawn by one or two animals; one cent per mile for every additional animal; for every horse and rider or led horse, one cent per mile; for every score of sheep or swine, one cent per mile, and for every score of neat cattle, two cents per mile.

Penalty for malicious injury.

Sec. 14. If any person shall wilfully and knowingly obstruct, break, or injure or destroy the road so to be constructed by said company, or any part thereof, or any work or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction of such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Property of individuals liable

Sec. 15. The property of every individual, which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, That all debts due said company from such individuals shall be first paid.

Limitation of liabilities.

Sec. 16. The debts and liabilities of said corporation, shall not exceed, in amount, at any one time, fifty per cent of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law as provided for in this act.

May increase capital stock.

Sec. 17. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company to complete said road.

Penalty for misuser

Sec. 18. If said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company in relation to said road and the use of the same.

Company liable for damages.

Sec. 19. That said company shall be liable for all injury or damage which any person may sustain in his person or property by reason of the said road being out of repair, or of any defect in said road.

Sec. 20. This act may be altered or amended by any future legislature of the state of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 165

An act to authorize the electors of Winnebago county to vote on the removal of the county seat of said county.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Electors to vote, &c.

SECTION 1. It shall and may be lawful for the qualified electors of the county of Winnebago to vote on the removal of the county seat of said county, at the annual town meeting of the several towns in said county, to be held on the first Tuesday of April next, one thousand eight hundred and fifty.

Form of vote.

SEC. 2. All votes on that question shall be by ballot, and shall be in the form following, viz: "County seat for removal to Butte des Morts." Said ballots shall be either printed or written, and shall be folded so as to leave the words "county seat" visible.

Effect of vote.

SEC. 3. Should a majority of all the votes cast upon that question be for the removal of the county seat to Butte des Morts, then the village of Butte des Morts shall be the permanent location for the county seat of said county; should there not be such majority, then the county seat of said county shall remain and be permanently located at the village of Oshkosh.

Duty of supervisors.

SEC. 4. In case the county seat of said county is removed to Butte des Morts, the board of supervisors of said county are hereby authorized and required to provide for the erection and completion of suitable county buildings at the expense of said county within two years of the said annual town meeting.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 166

An act to provide for the annexation of a portion of the county of Brown to the county of Manitowoc.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Territory annexed to Manitowoc.

SECTION 1. That so much of the county of Brown as is included in town twenty-one, range twenty-two, town twenty-one, range twenty-three, town twenty-one, range twenty-four, and town twenty-one, range twenty-five, is hereby detached from the county of Brown and annexed to the county of Manitowoc.

SEC. 2. This act shall take effect and be in force from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

An act to provide for the election of a county judge in and for the county of Winnebago. Chap 167

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The qualified electors of the county of Winnebago shall on the first Monday of May, one thousand eight hundred and fifty, elected a suitable person to the office or judge of said county. To elect judge

SEC. 2. The person so elected shall be judge of the county court of Winnebago county, and shall hold his office until the term of office expires of county judges legally elected on the first Monday of September, one thousand eight hundred and forty-nine, and until his successor is elected and qualified to serve in his place. Term of office.

SEC. 3. The election for said judge shall be conducted in all respects in the manner provided by law for the election of county judges.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

An act authorizing the treasurer of school district number three in the town of Eagle to collect certain taxes assessed therein. Chap 168

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of school district number three in the town of Eagle, Waukesha county, or his successor in office is hereby empowered and directed to collect all sums of money now remaining unpaid on any taxes voted for and levied at any district meeting or meetings in said district during the year 1849, to build a school house in said district and for any other purposes. Treasurer to collect tax

SEC. 2. Any illegality in calling or conducting the meeting or meetings at which such tax or taxes were levied or assessed, shall have no power or effect to destroy the provisions of the preceeding section. Illegality legalized.

SEC. 3. This act shall take effect immediately after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 16

An act to provide for establishing a state road therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That C. J. Marsh, Robert V. Allen, and Daniel Comfort, are hereby appointed commissioners to lay out and establish a state road from Hamilton in Marquette county, through the Menominee purchase to the narrows of the Dells on the Wisconsin river.

Compensation.

SEC. 2. Said road shall be laid out and surveyed by the first day of July next, and the said commissioners shall receive such pay as the boards of supervisors in the counties through which said road passes, shall deem best to allow them: *Provided*, That no portion of the expense of laying out and surveying said road shall be paid out of the state treasury.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 170

An act to provide for laying [out] certain state roads therein described.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners'

SECTION 1. Clark Whitney, Andrew Dunn, and Harris Searle, are hereby appointed commissioners to lay out and establish a state road from Wyocena in Columbia county and Winnebago Portage on the east side of the Wisconsin river, by the Elbow in the Dells on [the] Wisconsin river, thence to the upper mills on the Lemonware, thence to Prairie La Cross on the Mississippi.

The same.

SEC. 2. Harris Searle, Robert Campbell, and Thomas Weston, are hereby appointed commissioners to lay out a state road from Prairie La Cross on the Mississippi river to Shaurette on the Wisconsin river.

The same.

SEC. 3. Jacob Spaulding, James Perry, and Harris Searle, are hereby appointed commissioners to lay out and establish a state road from the Falls of Black river in Crawford county to the upper mills on the Lemonware river in Adams county.

How act construed.

SEC. 4. The provisions of this act shall not be so construed as to make the state responsible for any charge incurred in the laying out of the roads herein provided for.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to amend an act entitled "an act to authorize the construction of a bridge across Nepasink lake. **Chap 171**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sections one and two of an act to authorize the construction of a bridge across Nepasink Lake, approved March 11, 1848, are amended so as to read as follows:

SECTION 1. Asahel W. Benham, his associates, heirs, and assigns are hereby empowered to build, construct, and maintain a bridge across Nepasink Lake in the town of Wheatland in Racine county, at a point where the territorial road laid out under the provisions of an act entitled "an act to establish certain territorial roads therein named," approved March 11, 1848, crosses said lake. Authorized to construct bridge.

SEC. 2. The said Asahel W. Benham, his associates, heirs, and assigns, shall have power whenever said bridge is built, and as long as it is kept in good repair, to demand and collect for the crossing of said bridge the following rates of toll to wit: For any vehicle drawn by one horse, ox, or mule, the sum of six and one quarter cents; for any vehicle drawn by two horses, oxen, or mules, the sum of ten cents, and for each additional horse, ox, or mule, the sum of three cents, and for a single horse, ox, or mule, the sum of five cents, for all animals in droves the sum of three cents each: *Provided*, That hogs and sheep shall not be charged more than at the rate of one cent per head. To demand toll. Rates.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to provide for laying out a state road from Burlington to East Troy. **Chap 172**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Nelson R. Norton, W. P. Stirms, and Emery Thayer are hereby appointed commissioners to lay out and establish a state road from the village of Burlington in the county of Racine by way of Vienna to East Troy in the county of Walworth. Commissions appointed.

SEC. 2. The said commissioners shall receive for their services in laying out said road such reasonable compensation as shall be allowed by the board of supervisors of said counties: *Provided*, That no part of the expense of laying out and surveying said road stated, shall be paid out of the state treasury. Compensation

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 173

An act to lay out a road therein described.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissione's appointed.

SECTION 1. That Norman Simmons, J. G. Day, and Wm. Quivy are hereby appointed commissions to lay out and establish a state road from Albany in the county of Green, to the Madison and Janesville stage road near William Quivy's in the county of Dane.

Compensation.

SEC. 2. The commissioners appointed under the provisions of this act, shall upon the performance of the work be entitled to such compensation for their services as the county boards of the counties where such services were performed shall deem just and proper, to be paid out of the county treasury of each county respectively: *Provided*, That no part of the expense of laying out or surveying said road shall be paid out of the state treasury.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 174

An act to establish a contingent fund for the treasurer, secretary of state, attorney general, and the superintendent of public instruction, and also for the erection of a fire proof vault.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Contingent fund established.

SECTION 1. There is hereby established a contingent fund of twenty-four hundred dollars, to be paid the present year, out of any moneys in the treasury not otherwise appropriated to be applied as hereinafter directed.

To secretary of state.

SEC. 2. There is hereby appropriated to the secretary of state out of any moneys in the treasury, the sum of six hundred dollars in quarterly payments for contingent expenses of the secretary's office for the year 1850.

To state treasurer.

SEC. 3. There is hereby appropriated to the state treasurer out of any moneys in the treasury not otherwise appropriated the sum of six hundred dollars in quarterly payments for the contingent expenses of said office for the year 1850.

To attorney general.

SEC. 4. There is hereby appropriated to be paid to the attorney general out of any moneys not otherwise appropriated the sum of six hundred dollars in quarterly payments for the contingent expenses of said office for the year 1850. Each and every of the above officers shall render an account annually to the legislature of their contingent expenses.

To sup't. of public instruction.

SEC. 5. To the superintendent of public instruction the sum of six hundred dollars to pay the contingent expenses of his office and travelling expenses.

SEC. 6. The sum of one thousand dollars is hereby appropriated to the building or erecting a good and substantial fire proof money vault or safe to be erected in the room now occupied by the supreme court in the capitol, the vault to be of good three inch oak plank, double inlaid with iron bars so as to prevent the same being broken into, with the outside stratum to be composed of a thick hollow stone wall so as to be fire proof, and to be built after a plan to be furnished by J. Kip Anderson, now assistant engineer on the Fox and Wisconsin river improvement, and for which he shall be allowed such sum as shall be agreed upon by him and the treasurer, the work to be constructed under the direction of the state treasurer, and to be erected during the present summer. Fire proof vault to be erected.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL
Lt. Governor, and Pres't of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

An act relative to towns that fail to organize. **Chap 175**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the people of any township which has been or shall be hereafter set off, shall neglect or refuse to organize by the election and qualification of the officers required by law to be chosen by the several towns within this state, by reason whereof the property within said township shall fail to be assessed and returned in the manner provided by law, the county board of supervisors shall issue their warrant to the assessor and to the treasurer of the town next adjoining, requiring them to assess and collect respectively the quota of taxes due from such township to the county and state until an election shall be had therein, and thereupon such assessor and such treasurer shall severally discharge all the duties in regard to the assessment and collection of said taxes within said township that would have devolved upon them had they been duly elected treasurer and assessor respectively for said township, and for any malfeasance in respect hereof, said treasurer shall be liable upon his official bond, or said board of supervisors may if they think necessary require him to execute a new bond to the county treasurer in such sum and in such surety as they shall direct. How taxes collected when town fails to organize.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 176

An act to establish the minimum price of the University Lands.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Minimum fixed $10 per acre.

SECTION 1. The minimum price of the University lands, shall be, and the same is hereby established at ten dollars per acre, and none of said lands shall be sold for less than said minimum price.

To be lowest.

SEC. 2. The said minimum price of ten dollars per acre, is hereby established as the lowest appraised value of the University lands, and no further appraisement shall be necessary.

Commissioners to offer lands for sale.

SEC. 3. It shall be the duty of the commissioners for the sale of the school and university lands to offer said university lands for sale in connection with the school lands, subject to the provisions of the law, chapter twenty-four, title eight, Revised Statutes, authorizing the sale of the school and university lands, so far as the same are not inconsistent with this act.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 177

An act to authorize the laying out of a road from Washington county to Fond du Lac.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Commissioners.

SECTION 1. W. R. Longstreet, J. H. Haight and J. S. Fastar, are hereby appointed commissioners to lay out a road from town thirteen, range nineteen, or that vicinity, to any point in the county of Fond du Lac.

Compensation.

SEC. 2. Said commissioners shall not be entitled to any compensation from the state for services as said commissioners.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 178

An act to incorporate the Swan Lake and Pardeeville Canal Company.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Corporation.

SECTION 1. J. C. Fairchild, Simeon Mills, J. S. Pardee, H. West, Jr., and Joseph Utley, together with such other persons as may hereafter become associated with them, their successors and assigns, are hereby created a body corporate, by the name of the

Swan Lake and Pardeeville canal company, and by that name shall be and are hereby made capable in law to purchase, hold, and enjoy and retain to them and their succesors, lands, tenements said hereditaments, so far as may be necessary for the purpose of said canal, and the same to grant, sell, rent or in any manner dispose of; to contract and be contracted with; to sue and be sued, implead and be impleaded, answered and be answered, defend and be defended, and also to make, have, and use a common seal, the same to alter, renew or break at their pleasure; and if either of the persons named in this section shall die, refuse or neglect to execute the powers and discharge the duties hereby created, it shalll be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur. May have a common seal.

SEC 2. The said corporation shall be, and they are hereby invested with the right to construct such a canal from some convenient point on Swan Lake to Lake Roberts, and from Lake Roberts to Spring Lake, at or near Pardeeville, all in the county of Columbia. Right to construct canal.

SEC. 3. The capital stock of said corporation shall be thirty thousand dollars, to be divided into shares of twenty-five dollars each, and each share of stock shall be entitled to one vote. Amount of capital stock.

SEC. 4. The above named persons, or a majority of them, are authorized to open books for subscription to the capital stock of said company: *Provided*, That no subscription shall be made unless one-fourth part thereof shall be paid at the time of such subscription. To open books for subscription to stock.

SEC. 5 So soon as said stock, or two thousand dollars thereof shall be subscribed, the above named persons or a majority of them, may call a meeting of the stockholders for the purpose of electing three directors, and said directors shall elect one of their number president; shall appoint a treasurer, secretary, and such engineers and other officers as they may find it necessary, and fix their compensation. Meeting to elect officers.

SEC. 6. The directors of said company shall have power to make all needful rules and regulations and by-laws touching the business of said company, and determine how said canal shall be made and the width thereof; shall regulate the amount of tolls and the manner of collecting the same; fix penalties for the breach of any such rules, regulations and by-laws and penalties provided for in such by-laws may be sued for by any person authorized thereby in the name of said company, and recover in an action of debt before any court having competent jurisdiction The by-laws being at all times subject to the revision of the legislature of the stateof Wisconsin as also the rates of tolls. Powers and duties of directors

SEC. 7. The said company shall have the right to enter upon any lands, to survey and make said canal, not exceeding one hundred and fifty feet in width, and whenever any lands shall be required, and the same shall not be given or granted, the aggrieved party may choose an arbitrator and the company an arbitrator, and the two shall choose a third, who shall proceed, under oath, to as- Company may enter upon lands.

sess the damages, and when their award shall be paid or tendered by said company said company shall have the same right to retain, own, hold and possess said lands, as fully and absolutely as if the same had been granted and conveyed to said company by deed as long as the same shall be used for the purposes of said canal.

Act, how to be construed.

SEC. 8. This act shall in no way effect any rights of individuals on account of mill or other dams that has heretofore been erected, or may be erected, and shall in no way be construed to authorize said company to flow any land other than one hundred and fifty feet wide in said canal, neither shall it be construed so as to authorize the said company to build any dam, or set the water back upon the lands of individuals other than that owned by said company.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 179 An act to pay to Shields and Sneeden the amount therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Shields and Sneeden.

SECTION 1. There is hereby appropriated to Shields & Sneeden the sum of thirty-seven dollars and ninety-seven cents, being in full of their account against the state for articles furnished for the use of the legislature, as per bill rendered by them.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 180 An act to authorize Joseph Bailey and John Marshall to build and maintain a a bridge across the Wisconsin River.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners authorized to build bridge.

SECTION 1. That Joseph Bailey and John Marshall, their associates, successors and assigns, are hereby authorized to erect, build and maintain a bridge across the Wisconsin river, near the mouth of Dell creek, viz: on the south-east quarter of the north-west quarter of section fifteen, town thirteen, range six, and thence across to the opposite side of the Wisconsin river.

Their powers.

SEC. 2. The said Bailey and Marshall and their associates and their executors, administrators and assigns, shall have power fo

the term of ten years after the completion of the bridge, to demand and collect toll for passing the same, as follows: For any vehicle drawn by two horses or oxen, twenty five cents, for any vehicle drawn by one horse, fifteen cents, and for each additional horse or ox, five cents; for all animals in droves of less than fifty head, two cents each, and for all over fifty, one cent each: *Provided*, That hogs and sheep shall not be charged more than one cent per head. Rates of toll. Proviso.

Sec. 3. They shall keep posted up in some conspicuous place on said bridge, a list of the rates of toll allowed by this act.

Sec. 4. Said bridge shall be constructed with a draw of fifty feet, capable of letting steamboats and other water crafts, pass and re-pass through the same without delay, and shall in no manner interrupt the free navigation of said Wisconsin river. To construct a draw.

Sec. 5. This act may be altered, amended, or repealed by any future legislature of the state of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to repeal section three of chapter one hundred and thirty-one of the Revised Statutes and for other purposes. **Chap 181**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and thirty-one of the Revised Statutes, is hereby repealed. Statutes amended.

Sec. 2. The supreme court are [is] hereby authorized to fix such fees for the services of the clerk of said courts as to the court shall seem proper.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to David Holt, Jr., the sum therein named. **Chap 182**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to David Holt, Jr., to be paid out of any moneys in the state treasury, not otherwise appropriated, one hundred and ninety-one dollars and nine cents, for postage on pamphlets and newspapers mailed to the several counties in the state, and for postage, stationery and furniture D. Holt, Jr.

furnished the secretary of state and superintendent of public instruction.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 183 An act appropriating to Jerome Yates the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

J. Yates. SECTION 1. There is hereby appropriated to be paid out of any moneys in the treasury not otherwise appropriated, to Jerome Yates the sum of thirty-nine dollars, ($39) in full for services locating state lands.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 184 An act to appropriate to Robert L. Ream the sum therein named.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

R. L. Ream. SECTION 1. There is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, to Robert L. Ream the sum of five dollars in full for one days service as chief clerk of the assembly.

MOSES M. STRONG.
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 185 An act to appropriate to J. R. Brigham a sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

J. R. Brigham. SECTION 1. The sum of eighteen dollars and fifty cents is hereby appropriated to J. R. Brigham for fees in state suits in the

supreme court, and for services as state canvasser for the year 1849, in full.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to the Rev. Edward Smith the sum therein named. **Chap 186**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Rev. Edward Smith the sum of fifty dollars, for services as chaplain of the present session of the legislature. Edward Smith

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February. 9, 1850.
NELSON DEWEY.

An act to appropriate to the Rev. Charles Lord the sum therein named. **Chap 187**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Rev. Charles Lord fifty dollars, ($50) for services as chaplain at the last session of the legislature, held in the year 1849. Chas. Lord.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to provide a block of marble or granite to be placed in the national monument at the city of Washington. **Chap 188**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor of the state of Wisconsin is hereby appointed agent on behalf of the state, to procure a block of marble or granite to be placed in, the national monument at the city of Washington. Governor appointed agent.

SEC. 2. There shall be procured for that purpose, a good specimen of native marble or granite, which shall be dressed to Description of block.

the size required by those employed in the erection of said monument. The governor shall cause to be engraved on the said block of marble or granite as a device, the coat of arms of this state, the name of the state, the date of her admission and the date of this law.

Block to be forwarded to E. Whittlesy.

Sec. 3. So soon as said block of marble or granite is completed, he shall ship the same to the Hon. E. Whittlesy, superintendent of said monument, for the purposes aforesaid, with a copy of this act; and there is hereby appropriated out of any money in the treasury, the sum of three hundred dollars as a contingent fund, to pay the expenses incurred in performing the duties assigned in this act; and the governor shall report to the next legislature his doings herein.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 189 An act to authorize Thomas C. Snow and Charles Waldo to construct and maintain a dam across Grand river in Marquette county.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to build a dam.

Section 1. That Thomas C. Snow and Charles Waldo, their associates, successors, or assigns, are hereby authorized to construct and maintain a dam across Grand river on section number thirteen, (13,) township number fourteen, (14,) of range number eleven, (11,) and section number seven, (7,) in township number fourteen, (14,) of range number twelve east.

Dam how constructed.

Sec. 2. The said dam may be constructed thirteen feet in height, the owner or owners thereof becoming responsible for all damage, if any, that may be sustained in consequence of the erection of said dam.

Penalties for malicious injury.

Sec. 3. Any person or persons committing any malicious injury [to] said dam now or hereafter to be constructed under the provisions of this act, shall be liable to the owner or owners thereof for the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction, and in accordance thereto, upon conviction therefor, be punished in the manner provided by law for offences of that nature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to authorize a loan to the University of Wisconsin. Chap 190

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the sommissioners of school and university lands shall loan to the university of Wisconsin an amount not exceeding twenty-five thousand dollars, out of the first moneys received into the treasury from the five per centum of the nett proceeds of the public lands: *Provided*, That the regents of the said university shall apply for the loan thereof. Com. to loan $25,000. Proviso.

Sec. 2. That such sum shall be paid under the order and direction of the board of regents of the university of Wisconsin, and shall draw interest at and after the rate of seven per cent. per annum, payable annually in advance at the office of the state treasury. How to be paid.

Sec. 3. That such moneys shall be applied by said board of regents to the construction of university buildings, to the payment of liabilities incurred in the purchase of lands for the purposes of said university, and to such other purposes as may be necessary to the advancement of the interest of said university. Moneys how to be applied.

Sec. 4. It is hereby made the duty of the state treasurer annually for ten years, to credit the school fund with the interest money arising from the investment of the university fund that may come into the treasury until the amount shall be sufficient to pay the interest upon the sum loaned under the provisions of this act, and to pay over the remainder of such interest to the treasurer of the board of regents, and take his receipt therefor. State treasurer to credit school funds, &c.

Sec. 5. After the expiration of ten years, it shall be the duty of the state treasurer annually to credit the school fund, in addition to the interest, ten per cent of the principal of the sum loaned, and retain the same as provided in the preceding section, until the whole amount of the loan authorized by this act shall be paid.

Sec. 6. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to incorporate the Madison and Kenosha Rail Road Company. Chap 191

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Sereno Fisk, Samuel Hale, John Bullen, Jr., Elijan Steele, Chester W. Martin, Royal B. Touslee, and Edward Bain, together with such other persons as may hereafter become associated with them in manner hereinafter prescribed, their successors and assigns are hereby created a body corporate, by the name of the "Madison, Waterford, and Kenosha rail road company," and by that name shall be, and are hereby made capable Names of corporators. Their title.

Power to hold property.

in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements, and hereditaments, so far as may be necessary for the purpose of a rail road; and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, into defend and be defended, and also to make, have, and use a common seal, the same to alter, break, or renew at their pleasure; and if any one or more of the persons named in this section, shall die, refuse, or neglect to execute the powers and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies, so often as the same shall occur.

Power to fill vacancies.

Survey and estimate.

Sec. 2. The said corporation is hereby empowered to cause such examination or surveys to be made, as shall be necessary to ascertain the most advantageous route whereon to construct a rail road, and shall cause an estimate to be made of the probable cost thereof, for each mile separately; and the said corporation shall be and is hereby invested with the right to construct a rail road with one or more railways or tracks, from some convenient point in the city of Kenosha in the county of Kenosha to some convenient point of intersection with any rail road which may be constructed in or through the county of Rock; the company may if they should deem advisable extend the said road southerly from the said city of Kenosha to the state line of the state of Illinois.

Termini.

Capital stock.

Sec. 3. The capital stock of said corporation shall be eight hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and five dollars on each share shall be paid at the time of subscribing.

Subscriptions for stock when and how taken

Sec. 4. The above named persons, or a majority of them, are authorized to open books for receiving subscriptions to the capital stock of this company, and shall prescribe the form of such subscription; which books shall be opened within two years from the passage of said act, at such place or places as they may deem expedient, by giving thirty days notice in some newspaper printed in the county of Kenosha or Rock of the time and place or the times and places of opening said books; the said books shall be kept open thirty days, and such further time as may be deemed expedient.

Meeting of stockholders how called.

Sec. 5. So soon as said stock, or fifty thousand dollars thereof, shall have been subscribed, the above named persons, or the same number thereof as shall have given such notice, shall give like notice for the meeting of the stockholders at some time at least thirty days thereafter, and at some place within one of the aforesaid counties, and if at such time and place the stockholders of one half or more of said stock subscribed, shall attend either in person or by lawful proxy, they shall proceed to choose from the stockholders, by ballot nine directors, each share of capital the stock entitling the owner to one vote; and at such election, the persons named in the first section of this act, or those appointed according to its pro-

visions, to fill vacancies which may have occurred, or any three of them if no more be present, shall be inspectors of such election, and shall certify in writing, signed by them or a majority of them, what persons are elected directors; and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be director or directors to complete the number required, and shall certify the same in like manner; and such inspectors shall appoint the time and place of holding the first meeting of the directors, at which meeting five shall form a board competent to transact all business of the company; and thereafter an election of directors shall be had annually at such time and place as the stockholders at their first meeting shall appoint; and if the stockholders at their first meeting shall fail to appoint the day of such election, then it shall be holden in the succeeding year, on the same day of the same month on which said first election was holden, unless the same be on the first day of the week, in which case it shall be holden on the day next succeeding; and if no election be made on the day appointed, said company shall not be dissolved, but such election may be made at any time appointed by the by-laws of said company; the directors shall elect one of their number president, and shall appoint a secretary, treasurer, such engineers, and other officers, as they may find necessary, shall fix their compensation, and may require adequate security for the performance of their respective trusts.

Election of directors how conducted.

Inspectors to appoint meeting of directors

Succeeding meetings of stockholders.

Officers of board.

Sec. 6. The directors may require payment of the subscriptions to the capital stock at such time and in such proportions, not exceeding twenty-five per cent. at any one installment, under such conditions as they shall deem expedient under the penalty of forfeiture of all previous payment thereon or otherwise: *Provided*, They shall never require the payment to be made at any place out of the counties through which said road shall pass; and such directors shall, at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner provided in the fourth section of this act, for giving notice of the opening of the books of subscription for the stock of said company.

Payment of stock.

Proviso.

Sec. 7. The directors of said company shall have power to make from time to time all needful rules, regulations, and by-laws, touching the business of said company, and to determine the number of tracks and railways upon said road, and the width thereof, and the description of carriages which may be used thereon, to regulate the amount of tolls and the manner of collecting the same for such transportation, and to fix penalties for the breach of any such regulations, or by-laws, and to direct the mode and condition of transferring the stock of said company, and penalties provided for by the said by-laws may be sued for by any person authorized thereby, in the name of said company, and recovered in an action of debt before any court having jurisdiction of the amount, and the said company may erect and maintain such buildings and fixtures as may be necessary for the accommodation of said company and the persons using said road may require.

General powers of directors.

Right to enter upon lands.

SEC. 8. The said company shall have the right to enter upon any lands to survey and lay down said road not exceeding one hundred feet in width, and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, to determine the compensation to be paid therefor, the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors, insane persons or married women, the guardian or guardians of such minor or minors and insane persons, and the husband of such married woman may select for themselves an arbitrator, and the company shall select an arbitrator, and the two thus chosen shall select a third person, all of whom shall be sworn, and shall be paid by said company, and as arbitrators between the parties, shall determine the value of said land or materials and render a copy of their award to each of the parties in writing, from which award either party may appeal to the court of proper jurisdiction for the county in which such land or materials may have been situate, and in all cases in which compensation shall in any manner be claimed for lands where there has been no improvement made, it shall be the duty of the arbitrators and court to award a fair compensation for said lands and materials, and appeals when taken shall be in all respects proceeded in as appeals in other cases in said court, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same on the docket of said court, setting down the claimant or claimants as plaintiff, and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company, said company shall have the same right to retain, own, hold, and possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to said company by deed so long as the same shall be used for the purposes of said road.

Damages how determined.

Appeals from arbitrators.

How proceeded in.

Power to cross highways &c.

SEC. 9. The said company may construct the said rail road across any public or private road, highway, stream of water or water course if the same shall be necessary, but the said company shall restore such road, highway, or stream of water to its former state, or construct them across the same in such manner as not materially to impair the usefulness of said road, highway, or water course to the owner or to the public.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,
Approved, February 9, 1850.
NELSON DEWEY.

An act to amend the law concerning county courts. **Chap 192**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That on each suit commenced, and before filing the papers in appeals or certiorari in the county court, there shall be levied a tax of fifty cents, which shall be paid to the clerk at the commencement thereof, and the tax so levied shall be paid into the county treasury to be applied to the reimbursing of the county for the per diem pay to the county judge. How suit commenced. Tax to be levied.

SEC. 2. The law to which this act is amendatory is hereby so amended that the terms of the county courts shall be held as follows: In the county of Racine on the first Monday in February, May, and August, and the second Monday of November in each year. Terms of court when held.

In the county of Walworth on the first Monday of January, April, and July, and on the second Monday of September in each year.

In the county of Rock on the first Monday in February, May, August, and November in each year.

In the county of Green on the second Monday in January, April, July, and October of each year.

In the county of Milwaukee on the first Monday of each month in the year, except when there is a regular term of the circuit court.

In the county of Waukesha on the fourth Monday in January, April, July, and October of each year.

In the county of Jefferson on the third Monday in January, April, and July, and the first Monday in October of each year.

In the county of Dane on the first Monday in January, April, and July, and on the last Monday in September of each year.

In the county of Washington on the first Monday in January, April, July, and October of each year.

In the county of Dodge on the first Monday in January, April, July, and October of each year.

In the county of Columbia on the first Monday in February, May, August, and November of each year.

In the county of Marquette on the second Monday of January, April, July, and October of each year.

In the county of Sauk on the last Monday of January, April, July, and October of each year.

In the county of Portage on the first Monday of January, April, July, and October of each year.

In the county of Sheboygan on the first Monday in January, April, July, and October of each year.

In the county of Manitowoc on the first Monday in February, May, August, and November of each year.

In the county of Brown on the first Monday in January, on the second Monday in April, on the first Monday in July, and on the fourth Monday in October of each year.

In the county of Winnebago on the first Monday in January, April, July, and October of each year.

In the county of Fond du Lac on the first Monday in February, May, August, and November of each year.

In the county of Grant on the first Monday of January, April, July, and November of each year.

In the county of La Fayette on the second Monday in January, April, July, and October of each year.

In the county of Iowa on the first Monday in February, May, and August, and on the third Monday in November of each year.

In the county of Crawford on the second Monday in February, on the first Monday in June, on the second Monday of August, and on the first Monday of November of each year.

In the county of St. Croix on the first Monday of January, April, July, and October of each year.

In the county of Richland on the last Monday in March, on the third Monday in June, on the second Monday in November, and on the third Monday of December of each year.

In the county of Calumet on the third Monday of January, April, July, and October of each year.

In all counties not herein enumerated in which courts shall be held, the terms of the county court shall commence on the first Monday of January, April, July, and October.

Jury fee. Sec. 3. The jury fee to be deposited with the judge upon demanding a jury shall be three dollars.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 193

An act limiting the writ of error.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Judgement, how reversed. Section 1. No judgment in any case whatever shall be reversed, or arrested for any error or defect therein, unless the writ of error therein be sued out within four years next after the rendition of such judgment.

Who entitled to writ. Sec. 2. If any person or persons against whom a judgment shall be rendered, shall be, at the time of the rendition thereof, either within the age of 21 years, or insane, or imprisoned, on any criminal charge, the sentence whereof is for less than life, or a married woman, or without the limits of the United States, such person or persons shall be entitled to a writ of error on any such judgment against him, her, or them, at any time within two years after the disability ceases: *Provided,* The whole limitation in such cases shall not exceed twelve years.

Proviso.

Sec. 3. All laws contravening the provisions of this act are hereby repealed.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to appoint commissioners to lay out a state road. **Chap 194**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That David Brewer, Daniel T. Clay, and Edward Norris, be, and they are hereby appointed commissioners to lay out a state road from Adams in Sauk county to the Dells on the Wisconsin river on the nearest and most feasible route. Commissioners appointed.

Sec. 2. The state shall not be liable for any expense for laying out said road.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL
Lt. Governor, and Pres't of the Senate.
Approved February 9, 1850.
NELSON DEWEY,

An act for an act to provide for disposing of the interest of the state in the Milwaukee and Rock River canal company, and in the canal and hydraulic power created on Milwaukee river. **Chap 195**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The interest of this state in the canal dam across Milwaukee river, and hydraulic power, with their appurtenances, created by the state or by the Milwaukee and Rock river canal company, or by both on or near said river, and also the interest of this state in the said company or its stock, shall be sold under the directions of the governor of this state at public auction, to the highest and best bidder at such time and place, and upon such terms of payment as the governor shall direct, giving at least two months public notice thereof, and in case the highest and best bidder, shall not comply with the terms of sale under his bid, within such time as shall be limited, the governor is authorized to accept of the next highest bid that will be so complied with, or to re-sell the same as shall to him seem most for the interest of the state: *Provided*, That he may refuse to accept any such bid in case he shall be of opinion that the price offered is too small. Canal lands may be sold. Proviso.

Sec. 2. Upon the completion of any such sale, the governor is hereby authorized to execute to the purchaser in the name and Governor authorised to ex-

ecute an assignment to purchaser.

under the seal of this state a deed, assignment or release transfering to such purchaser all the interest of the state in said canal, dam, hydraulic power company and its stock, be the same more or less, without any agreements or covenants of warranty of title, interest or right therein on the part of the state, and without any claim hereafter on the state to refund or release the consideration, money, or any part thereof, paid or to be paid, in case it should be in any manner determined that the state had no interest or right therein.

Grantee or grantees vested with powers, &c.

SEC. 3. Upon the execution and delivery of such deed, assignment, or release, the grantee or grantees of the state therein, their legal representatives or assigns are hereby vested with all the rights and interest of the state in the said canal, dam, hydraulic power, company and its stock, to have and to hold the same to their use and behoof forever; and they are hereby authorized and empowered at their own proper costs and charges to institute in their own name or names, or in the name of this state any suit or suits or other legal proceedings against the said company, or any other person or persons or body corporate, in any of the courts of this state, and to prosecute the same to final determination, necessary to ascertain and determine the extent of such rights and interest, and to obtain and recover possession of the same from such company or other person or persons or body corporate: *Provided*, This state shall not pay or be responsible for any costs and charges growing out of such suit or suits or legal proceedings, either on the part of the prosecution or defence.

Proviso.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 196 An act to amend an act entitled "an act to incorporate the Neenah and Manitowoc plank road company, Approved March 9th, 1848.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to open books &c

SECTION 1. The board of commissioners under the act of which this act is amendatory, are hereby authorized to open separate books of subscription of stock for the construction of the branch road authorized by said act, and when five hundred shares shall have been subscribed, and one dollar on each share paid in, the stockholders shall be authorized to organize a separate company under the name of the Menasha and Kaukana plank road company, and said company shall possess the same powers and privileges and be subject to the same restrictions and liabilities as

are conferred and imposed on the company under the act of which this is amendatory.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

An act to authorize the laying out of a state road.

Chap 197

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That John Rorck, Philip B Slaymates, and David C. Reed, are hereby appointed commissioners to lay out and establish a state road on the most direct and practicable route from Prairie du Sauk to Reedsburgh in Sauk county.

Compensation.

SEC. 2. The commissioners appointed under the provisions of this act, shall upon the performance of the work be entitled to such compensation for their services as the supervisors of the counties where such services are performed shall allow, to be paid out of the county treasury of the said counties respectively, and no part of the expense shall be paid out of the state treasury.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to secure the homestead to Orphans.

Chap 198

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Real estate of orphan exempt, &c.

SECTION 1. Such real estate as is now exempt from forced sale on execution or any other final process from a court, as the homestead of a family, shall likewise after the death of the owner thereof, be exempt from the payment of his debts hereafter contracted, in all cases in which any infant children of the said owner shall survive the death of such owner, and no executor or administrator shall have a right to the possession of any real estate so exempted, or to the rents or profits of the same, any law of this state to the contrary notwithstanding.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 199

An act to provide for office expenses of the superintendent of public instruction.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to state superintendent.

SECTION 1. The sum of four hundred and twenty-seven dollars and seventy-seven cents, is hereby appropriated to pay office rents, clerk hire, and other contingent expenses of the office of the state superintendent as the same are stated in his account filed with the secretary of state, which sum shall be paid out of the state treasury.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 200

An act defining certain duties of the state superintendent.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Superintendent to collect books, &c.

SECTION 1. It shall be the duty of the state superintendent to collect in his office, such school books, appraratus, maps, and charts as can be obtained without expense to the state, and also to purchase at an expense not exceeding fifty dollars a year, rare and valuable works on education, for the benefit of teachers, authors, and others, who may wish to consult them.

To procure map

SEC. 2. It shall be the duty of the state superintendent to cause to be prepared in his office a full and complete map of the state: *Provided*, That the expense of the same shall not exceed one hundred dollars.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 201.

An act to incorporate the Sheboygan and Mayville Plank Road Company.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissions appointed.

SECTION 1. That Huntington Lyman, Samuel B. Ormsbee, A. G. Dye, Reed C. Brazleton, Anson Hutchinson, John Muzzey, Alvin Foster, Joseph Mallory, S. G. Pickett, be, and are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Sheboygan and Mayville plank road company hereby incorporated, and they may cause books to be opened at such times and places

as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in Sheboygan county.

Amount of capital stock.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of twenty dollars each, and as soon as five hundred shares of the capital stock shall be subscribed, and ten per cent on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic by the name and style of the Sheboygan and Mayville plank road company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real and personal, or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which are authorized by law for the interest and well being of said company.

Right to hold property, &c.

To give notice

Sec. 3. The said commissioners, or a majority of them, after the said five hundred shares of stock shall have been subscribed, as aforesaid, shall give at least twenty days notice in the newspapers hereinbefore mentioned, of the time and place of a meeting of the stockholders for the purpose of electing nine directors, and annually thereafter the stockholders shall meet on the first Monday in January for the purpose of electing directors, as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, That previous to the first election the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the power of directors: *Provided further*, That if from any cause an election shall not be held at their regular time specified therefor, the same may be held at any other time on notice as aforesaid, that until such election the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of any irregularities or want of such election, and in case of any vacancy in the board of directors, the same shall be filled by the other directors or a majority of them.

Proviso.

Proviso.

Company to be managed by nine directors.

Sec. 4. The affairs of said company shall be managed by a board of nine directors, who shall be stockholders and be chosen annually by ballot by the stockholders of said company, the votes to be given in person or by proxy duly authorized, which directors shall appoint one of their number president, and shall serve until others are elected in their stead; they shall make and establish such by-laws, rules, orders and regulations as may be necessary for the well ordering of the affairs of said company. Each share of stock shall be entitled to one vote, and in all cases of elections for directors the nine stockholders having the greatest number of votes shall be declared duly elected.

Five directors

Sec. 5. Five directors shall be a quorum for the transaction

A quorum to transact business.

of business, who in the absence of the president may appoint a president, pro tempore. The said directors shall appoint a secretary, treasurer and such engineer and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall [have] full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares; may declare forfeited to the use of the company the share or shares of any person failing to pay any instalment, at a reasonable period, not less than thirty days after the time appointed for the payment thereof: *Provided*, No instalment shall be demanded of the shareholder exceeding two dollars at any one time on such share, nor while a sum exceeding three thousand dollars remains in the hands of the treasurer, unappropriated to such portion of the work as may at the time be completed.—

Proviso.

Powers of directors.

They shall have power to regulate tolls; to make such covenants, contracts and agreements with any person or persons, or body politic, whatever, as the execution and management of the works and the convenience and interests of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company. The commissioners until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for, or hold in said corporation, signed by the president and countersigned by the secretary, subject to all the payments due and to become due thereon, which shall be transferable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws of said company.

Commissioners to issue certificates.

Power to locate road.

SEC. 6. The said company shall have power to locate and construct a single or a double track plank road from some eligible point in the town of Sheboygan or Sheboygan Falls through the village of Cascade to the village of Mayville, in Dodge county, and they shall have power to erect all such toll houses, bridges and other works and appendages as may be necessary for the convenience of said company in the use of said road, and also to connect the said road with other plank roads in the state of Wisconsin and to unite and consolidate stock with any such plank road company. The track of said road shall be constructed of plank, stone, gravel or charcoal, in whole or in part at the option of the directors, so that the same shall constitute a firm and smooth surface for the passage of wagons and carriages. The directors shall exercise all power conferred on them by law; shall audit and pay all accounts against said company; fix the compensation and salary of the officers they may appoint, and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure; prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of said

Materials to be used

Duty of directors.

stock to the stockholders of said company, on the first Monday of July and January in each year.

Lawful to enter upon lands to survey route

Sec. 7. It shall and may be lawful for said company their officers, engineers and agents, to enter upon any lands for the purpose or exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel or stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

Proviso.

In case of disagreement as to damages, how to proceed

Sec. 8. When said corporation cannot agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purchase thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case, it shall be lawful for any justice of the peace of the town in which the property may lie, to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of nine jurors and from them the said company and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the sheriff or constable, shall for him, her or them, strike off each two of said jurors, and the said five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land or material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners according to the best of his skill and judgment, whereupon the said justice and jurors shall proceed to review the said lands or materials so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which

shall be signed by the said justice, and the verdict of the jurors thereon, shall be signed by the jurors or a majority of them and by the justice of the peace, and the said justice shall within five days thereafter, transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof, as aforesaid, and such valuation, when paid, together with the costs of such inquisition or tendered to the owner or owners, or deposited with the said court, it shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall

Proviso. be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice and jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of the meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non-compos mentis. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in case of owners, or if there be no guardian or trustee, the same

Proviso. shall be established by affidavit: *Provided*, That no such material shall be taken if the jury shall decide that the same are essential to the owner or owners thereof.

Stock to be personal property and liable for debts.

SEC. 9. The shares of stock of the corporation shall be deemed personal property, and every person becoming a shareholder by transfer, purchase or otherwise, of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the shares shall be liable to be taken in execution for the payment of the debts of the owner in such manner as is or may be provided by law. Whenever the route of said road follows the line of any public highway the said company shall not take possession of said highway until the commissioners of highways for the town through which it passes shall have given them written consent, which shall be recorded in the town clerk's office.

Rates of toll.

SEC. 10. The directors may erect toll gates and exact toll from persons traveling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sleigh, sled, or carriage, drawn by two animals, and if drawn by more than two animals, one cent a mile for every additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile, and for every horse and rider or led animal, one cent a mile; for every score of sheep or swine, one cent a mile, and for every score of

Proviso. neat cattle, four cents per mile: *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll gatherer at each and every gate, when erected on said road in pursuance of this act, may detain and pre-

vent from passing such gate any carriage or animal subject to toll until the toll thereon is paid.

Punishment for malicious injury.

Sec. 11. If any person shall wilfully and knowingly break, or injure or destroy the plank road to be constructed by said company, or any part thereof, or any work, building or fixture attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company by an action of trespass, in any court having competent jurisdiction in the counties wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for attempting to avoid paying toll.

Sec. 12. Any person who shall wilfully break or throw down any gate on such road which may have been erected in persuance of this act, or do any damage to said road or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal turn out of said road or pass any gate thereon on ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages done to the profits of said company in an action of trespass.

Directors may provide for increasing capital stock.

Sec. 13. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of such stockholders, may provide for such increase of the capital stock as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

Penalty for violating charter.

Sec. 14. If said company shall violate any of the privileges hereby granted, the legislature of the State of Wisconsin may resume all and singular the rights and privileges vested in said company by this act.

Sec. 15. If said corporation shall not within three years from the passage of this act, commence the construction of said plank road and expend three thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, finish and put into operation a single or double track of plank road, from Sheboygan or Sheboygan Falls, to the village of Mayville, then the rights, privileges and powers of the said corporation under this act shall be null and void.

How charter rendered void.

Sec. 16. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Sec. 17. This act may be altered or amended by any future legislature of this state.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850. NELSON DEWEY.

Chap 203 An act to appropriate to Seaver & Hurley the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Seaver & Hurley. SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to Seaver & Hurley the sum of twenty-six dollars, in full for the Daily and Weekly Commercial Advertiser furnished the members of the legislature at its present session.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 204 An act to appropriate to John A. Brown the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

J. A. Brown. SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to John A. Brown the sum of eight dollars and seventy-five cents for advertising proposals for printing in the Rock County Badger, in the year 1849; also the further sum of ten dollars and seventy-five cents for publishing proclamation for an election for electors for president and vice president, in the Washington County Eagle in the year 1848; also the further sum of eight dollars and seventy-

five cents for one hundred and seventy-five copies of the Washington County Eagle furnished members of the legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to Beriah Brown the sum therein named. **Chap 205**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to Beriah Brown the sum of two hundred and sixty four dollars and ninety cents, in full for four thousand four hundred and fifteen copies of the Wisconsin Democrat, furnished the senate and assembly at their present session; and also the sum of twenty dollars for printing the speech of the Hon. E. Divin from Washington. Beriah Brown.

MOSES M. STRONG,
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to George Hyer the sum therein named. **Chap 206**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to be paid out of any monies in the treasury not otherwise appropriated, to George Hyer the sum of twenty-three dollars and forty-four cents, in full for three hundred and seventy-five papers furnished the members of the present legislature. George Hyer.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to J. A. Hadley the sum therein named. **Chap 207**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to be paid out of J. A. Hadley.

any money in the treasury not otherwise appropriated to J. A. Hadley the sum of twenty dollars, in full for four hundred copies of the Watertown Chronicle furnished members of the present legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 208 An act to appropriate to A. D. & J. LaDue the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

A. D. & J. La Due. SECTION 1. There is hereby appropriated to A. D. & J. La Due the sum of seven dollars and fifty cents out of any money in the treasury not otherwise appropriated in full for one hundred and fifty copies of the Sheboygan Democrat furnished the members of the present session of the legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 209 An act to appropriate to C. C. Clement the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

C. C. Clement SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to C. C. Clement the sum of four dollars and fifty cents, in full for ninety copies of the Southport Telegraph furnished the members of the present legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,
Approved, February 9, 1850.
NELSON DEWEY.

An act for apportionment of school moneys for 1850. **Chap 210**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the town superintendent of the several towns of this state, between the first Monday in April and the first Monday in May next, to apportion the school moneys received from the town and county treasurers, to the several districts and parts of districts within their respective towns, in proportion to the number of children residing in each, over the age of four and under the age of twenty years. Town superintendent to apportion school monies.

Sec. 2. The number of children residing in the several school districts and parts of districts, between the ages of four and twenty years, shall be ascertained by the clerks of the several school districts and parts of districts, and reported to the superintendents of the towns in which such districts or parts of districts are situated respectively, on or before the first day of April next. Clerk to report to superintendent.

Sec. 3. No moneys shall be apportioned to any district or part of district unless it shall appear by the certificate of the clerk of such district or part of district, that a school has been taught therein, by a qualified teacher, at least three months within the year ending on the first day of April next. Monies when to be apportioned.

Sec. 4. This act shall take effect on the second Monday of February eighteen hundred and fifty, and shall continue in force till the first Monday of May next thereafter, and no longer.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

An act to authorize the register of deeds of Marquette county to obtain from the office of the register of Brown county certain instruments therein named. **Chap 211**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The register of deeds of Marquette county is hereby authorized to procure from the office of the register of deeds of Brown county, a copy of all deeds, mortgages, assignments, satisfactions, bonds, and other instruments that are recorded in said office, wherein the county of Marquette may be interested, the expense of which shall be paid by the county of Marquette. Register to procure certain records.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 212 An act to appropriate to the Rev. John Williams the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

John Williams

SECTION. 1. There is hereby appropriated to the Rev. John Williams the sum of fifty dollars for services as chaplain the present session of the legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 213 An act for the relief of Wiram Knowlton.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Wiram Knowlton.

SECTION 1. The sum of twelve hundred and fifty dollars is hereby appropriated to Wiram Knowlton out of the treasury of the state of Wisconsin.

Knowlton to execute receipt to treasurer.

SEC. 2. The said Wiram Knowlton upon the payment of the said sum, shall execute a receipt to the treasurer of the state in full of all demands against the state for viewing, marking, surveying, and making a road from section thirty-six, in range four, (4,) west, township fifteen, (15,) north, in the county of Crawford, thence through the counties of Crawford, Chippewa, and St. Croix to Willow river on lake St. Croix, being a distance of one hundred and sixty three miles as by the survey thereof made; and said road is hereby declared to be a state road, the survey and location thereof lying through state lands, selected for and appropriated to school purposes: *Provided*, That E. R. Steves and H. Wedge the other commissioners of said road who have performed no service in surveying and locating the same, shall never be allowed any compensation from the state treasury as such commissioners.

Proviso.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 214 An act to amend an act entitled an act to authorize the construction of a dam across Rock river, approved February 21, 1848.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The proviso to section one of said act is hereby repealed.

Sec. 2. The following proviso is hereby substituted for said proviso, and declared a part of said section one: *Provided*, That in the event that such dam shall cause the water to flow back on any lands not owned by them, or either of them, then they shall pay to the owner or owners thereof such sum as such land may be reasonably worth, such value to be ascertained by the verdict of jury in an action of trespass to be brought in any court of record. Proviso.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to authorize the secretary of state to procure certain maps. **Chap 215**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the secretary of state is hereby authorized to procure four large manuscript sectional maps of the state of Wisconsin, one each for the offices of the governor and secretary of state, and one for each of the halls of the senate and assembly, to be made on good paper, attached to canvass, ready for hanging up, and on the same scale as the map now hanging in the secretary's office, said map to contain the latest reported government surveys up to the first of October next, containing the boundaries of judicial, congressional, senatorial, and assembly districts; also the boundaries of all towns organized, as well as geographical towns, and the location of county, towns, cities, villages, post offices, school, university, and state lands. Secretary of State to procure maps.

Sec. 2. Said maps to be completed by the first of January next, and for such price as the next legislature may see proper to pay for the same: *Provided*, The price shall not exceed one hundred dollars for each map. When to be completed. Proviso.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act authorizing the town of Beloit, county of Rock, to raise a loan for the purpose of building a town house, and to occupy the public landing for the site of said house, **Chap 216**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The town of Beloit, county of Rock, is hereby authorized to raise a loan sufficient in amount to erect a building Authorized to erect a town house.

for town purposes, and to levy a tax from year to year to pay the principal and interest.

SEC. 2. Said town is hereby authorized to erect said building on the public landing north of the east end of the bridge across Rock river in said town.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 217 An act relating to the laying out and opening of state roads.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

State not liable for laying out state roads.

SECTION 1. The state shall not be liable for any expenses incurred in or damages arising from the laying out of any state road heretofore authorized by law to be laid out, and which has not been laid out, or which may hereafter be authorized, unless the law providing for the laying out of such road shall expressly provide that the state shall pay such expenses and damages.

Compensation.

SEC. 2. All commissioners appointed by any law of this state to lay out a state road shall receive such compensation for their services as may be allowed them by the boards of supervisors of the several counties in which such road may be located, the same to be paid out of the treasury of such county.

Damages to be paid by counties.

SEC. 3. All damages occasioned by the laying out and opening any state road shall be paid by the several counties in which the same may be located.

This act not to apply to every road.

SEC. 4. The provisions of this act shall not apply to the roads authorized to be laid out by the present legislature, to wit: a state road from Green Bay in Brown county to Wausau in Portage county, and a road from Shaurette in Portage county to Green Bay in Brown county.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W BEALL,
Lt. Governor, and President of the Senate.
Approved, February. 9, 1850.
NELSON DEWEY.

Chap 218 An act to incorporate the Wisconsin Institute for the education of the blind.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Trustees.

SECTION 1. That A. Hyatt Smith, Hiram Foot, Ira Miltimore, Levi Alden, Jairus C. Fairchild, [and] William A. Barstow, are hereby constituted a body politic and corporate, by the name of

the Wisconsin Institution for the Education of the Blind, and by that name they and their successors shall have successive and perpetual existence, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to make and use a common seal, and alter the same at pleasure, to take or receive by grant, deed, devise, bequest, or otherwise, property real, personal, and mixed, and have, hold, use, enjoy, and convey the same; to adopt by-laws not inconsistent with the constitution and laws of the state; and to do all other acts necessary to the exercise of the powers herein conferred. Powers of corporation.

Sec. 2. The object and duty of the corporation shall be to continue and maintain the school for the education of the blind, established in Janesville, and to qualify, as far as may be, that unfortunate class of persons for the enjoyment of the blessings of a free government, obtaining the means of subsistence, and the discharge of those duties, social, and political, devolving upon American citizens. Object of corporation.

Sec. 3. The school shall be continued in or near Janesville, and the corporation shall, as early as practicable, purchase a suitable lot of ground containing not less than ten acres nor more than twenty acres, and proceed to erect thereon suitable buildings and make such improvements as are necessary for the school. School, where to be held, &c.

Sec. 4. The persons named in the first section of this act, and their successors, shall be the trustees of the school, to whom power is given to employ a principal and all teachers, prescribe their duties, fix their compensation and the price of instruction, prescribe the course of study, fix the price of board, and all other expenses in the school, and to employ all persons necessary to the maintenence and to carry on the operations of the school. Duties of trustees.

Sec. 5. All blind persons residing in Wisconsin, of suitable age and capacity to receive instructions, shall be received and taught in the said school, and no one of such persons shall be excluded from the privilege and benefits thereof by reason of the reception of persons from other states or territories. Who to be received in said school.

Sec. 6. The trustees for the time being shall be severally liable for the faithful application of all property, funds, and effects which may be received for the use of the institution; and property, funds, and effects received by gift, grant, donation, devise, or bequest, shall be applied as directed by the person from whom received. Trustees liable for funds, &c.

Sec. 7. The officers of the corporation shall be a president, secretary, and treasurer, who shall be appointed by the board of trustees, the president to be selected from their own number, the trustees to serve without compensation. Officers of corporation.

Sec. 8. The trustees in the first section of this act named, shall serve as follows, to wit: two shall serve for the term of one year, two for the term of two years, and two for the term of three years, and until their successors are appointed and qualified.—The trustees shall meet within thirty days after the publication of this act, and organize and determine by lot the two that shall serve one year, the two that shall serve two years, and the two Term of trustees, &c.

that shall serve three years. The governor shall appoint their successors, whose term of office shall commence on the first day of February, and continue for three years, and until their successors are appointed and qualified.

Officers of school.

SEC. 9. The officers of the school shall be a principal, who shall have the general charge of the school, and such teachers as may from time to time be appointed. The academic and literary degress usually conferred by institutions for the education of the blind, shall be conferred by this institution, and diplomas granted accordingly.

Terms of tuition.

SEC. 10. Blind persons who may be placed in this school by or under the authority of the state, or any county, city, town, or other public corporation, shall be kept, taught, and permitted to enjoy, all the benefits and privileges of the school, be furnished with books, boarding, lodging, washing, fuel, and allowed the use of the library, at not exceeding one hundred dollars for the academic year of forty-two weeks. The provisions of this section shall apply only to scholars sent from other states or territories.

SEC. 11. The blind of this state, who are of suitable age and capacity, shall be received and taught in the school, and enjoy all the benefits and privileges of the same free of charge.

To levy tax to support school.

SEC. 12. To aid in the establishment of the school, there shall be paid to the said trustees, for the use of the institution, a tax of one-fifteenth of one mill upon every dollar's worth of taxable property in this state, subject to taxation for state revenue, which tax shall be assessed and collected with the taxes assessed and collected for the ordinary purposes of the government for the present year.

Treasurer of corporation. His duties.

SEC. 13. The treasurer of state shall receive the tax collected for the institution and keep the same as a separate fund, to be known as the fund for the blind, and pay out the same, from time to time, in such amounts as may be necessary in the judgment of the board of trustees, in conducting the business of the institution. The treasurer shall pay out the money on the allowance of the governor, who shall make such allowance, on the application of the board of trustees.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to amend an act entitled "an act to incorporate the Madison and Beloit Rail Road Company." Chap 219

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The said company may extend their road from Janesville to lake Winnebago, by the way of Fort Atkinson, Jefferson, and Watertown. Company may extend road.

SEC. 2. For the purpose of such extension the said company may add ten thousand shares of one hundred dollars each to its capital stock. May increase capital stock.

SEC. 3. This act shall take effect so soon as said company by resolution adopted at a meeting of its board of directors shall assent thereto, and from and after such time, such company shall be known as the "Rock River Valley Union Rail Road Company." Act when to take effect.

SEC. 4. The said company, whenever it shall deem the same expedient, may divide any portion of the capital stock of the company into shares of twenty-five dollars each, and every member of the said company shall be entitled to one vote therein, for every twenty-five dollars of stock which he may own. May divide capital stock.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to amend an act entitled "an act to divide the county of Racine and to erect the county of Kenosha." Chap 220

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisors of the county of Kenosha are hereby authorized and empowered to procure a copy of the records of Racine county relating to the titles of all lands situate within the limits of said county of Kenosha, as they now or may appear in the registers office in said county of Racine. The copy so entered in the registers office of Kenosha county shall be of the like force and effect as if originally entered of record in said county, and a duly authenticated copy thereof by the register of Kenosha county shall have like force and effect, and be admitted in all courts as evidence, the same as though the certificate were from the Racine county registers office. Supervisors to procure records.

SEC. 2. All judgments entered up to and inclusive of the next April term of the Racine county circuit court, in the records of said court, and all judgments entered up in the county court of said Racine county, to and inclusive of the next March term of said court, shall be and remain a lien upon any lands which may be owned by the person or persons against whom such judgments were rendered the same as though no division of said county had Judgment to be a lien upon land.

taken place; and the clerk of said courts shall issue his executions to the sheriff of Kenosha county, directing said sheriff in default of goods and chattels to make the said sum with costs, &c., out of any land or tenements which the said debtor was possessed of at any time after the rendition of such judgment.

State treasurer to give notice.

SEC. 3. It shall be the duty of the treasurer of the state of Wisconsin to certify to the secretary of state the time of filing the bond as provided in the act to divide the county of Racine and the erection of the county of Kenosha, if filed by the time therein specified. The secretary of state shall upon the receipt of such certificate immediately give notice to the sheriff of the county of Racine, specifying what officers are to be elected at the April town elections for the county of Kenosha. Upon the receipt of such notice, the sheriff shall cause to be posted in three or more public places in each organized town in said county of Kenosha, a notice specifying the officers to be elected for said county, for which service he shall be paid by the county of Kenosha. The election shall be conducted in all respects at the polls as is provided by law for general elections, and the returns shall be made to the sheriff of Racine county, at Kenosha within six days after such election in the same manner that returns are directed to be made to the county board of canvassers. On the Tuesday next following the election the sheriff of the county of Racine shall take to his assistance two justices of the peace, residents in the county of Kenosha, who shall be a board of canvassers, and shall proceed to canvass the votes cast at such election for county officers in the same manner as is provided for by law for other boards of canvassers. Said board of canvassers shall immediately publish in some newspaper in said county, the result of such election, and give a certificate of election to the persons elected, and shall as soon as the county board of supervisors shall be organized and a clerk elected, file with said clerk to be recorded, as by law directed, such statement of the result of such election.

Election, how to be conducted.

Sheriff and two justices to be canvassers.

SEC. 4. It shall be the duty of the secretary of state to cause this act to be published forthwith, and it shall go into effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 221 An act to lay out a state road from Green Bay in Brown county to Wausau in Portage [county.]

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That John Stackhouse, Edward A. Pearson, and Henry F. Lessey, be, and are hereby appointed commissioners to

lay out and establish a state road, beginning at Wausau in Portage county, running on the nearest and best route to the town of Green Bay in Brown county.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to authorize Jefferson school district No. 1, in the town of Grafton, county of Washington, to renew a tax warrant. **Chap 222**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerk of Jefferson school district No. 1, in the town of Grafton, county of Washington, be and he is hereby authorized and empowered to renew and re-issue to the treasurer of said district, the warrant issued in the year 1848, by the trustees to the collector of said district for the purpose of collecting monies for school house and school purposes in said district with the tax list accompanying the warrant issued as aforesaid; and the said treasurer is hereby authorized and empowered to collect under such warrant when issued all sums of money specified in such tax list, which are unpaid, together with interest on the same from the time the warrant heretofore issued expired in the same manner he might have done under the original warrant. Clerk authorized to issue warrant.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to extend the time for collecting taxes in the town of Windsor, Dane county. **Chap 223**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The time is hereby extended to the treasurer of the town of [Windsor] to collect and return the taxes of said town, to the fifteenth day of February, 1850. Time for collecting tax extended.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 224

An act to provide for levying a State Tax.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

State tax levied.

SECTION 1. There shall be levied and collected for the year 1850, in each county of this state, a state tax of two mills on the dollar valuation, to be levied, collected, and paid into the state treasury, as is provided by the Revised Statutes of this state.

Supervisors to levy a tax.

SEC. 2. The supervisors of their respective counties, are hereby required to levy the foregoing tax upon the taxable property in their several counties, according to the provisions of the Revised Statutes of this state, for the assessment and collection of taxes.

SEC. 3. The secretary of state is hereby required, immediately on the passage of this act, to cause the same to be published by the state printer, in a newspaper printed at the seat of government, and transmit to each clerk of the board of supervisors of the several counties of this state, a copy of the newspaper containing this act.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 225

An act to appropriate to Nelson Dewey, governor of the state of Wisconsin, the several sums therein named for incidental expenses.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to Gov. Dewey.

SECTION 1. That the following sums be appropriated to Nelson Dewey, governor of the state of Wisconsin, for the purposes herein specified, to wit:

The sum of one hundred and twenty-four dollars and fifty cents to be paid to E. A. Calkins for books;

The sum of fourteen dollars and thirteen cents, to be paid to Cary & Billings for iron work;

The sum of one hundred and eleven dollars and one cent, to be paid to James Cambpell for carpenter work;

The sum of ten hundred and fifty two dollars and sixty-two cents, to be paid to Silas Chapman for stationery;

The sum of eighty-eight dollars and thirteen cents, to be paid to Darwin Clark for cabinet work;

The sum of nineteen dollars, to be paid to John S. Clark for painting;

The sum of two hundred and forty-three dollars, to A. W. Comfort for selecting lands;

The sum of eighty-one dollars and eighty-one cents, to be paid to F. J. Blair for lamps and pitchers;

The sum of three hundred and seventy-three dollars and fifty-two cents, to be paid to Bradford & Brothers for carpeting;

The sum of four hundred and fifty dollars and fifty-one cents, to be paid to N. W. Dean for sundries for the capitol;

The sum of thirty-six dollars, to be paid to Driesbach & Ely for cushions;

The sum of forty dollars and forty-seven cents, to be paid to L. J. Farwell for curtains and rods;

The sum of ten dollars and fifty cents, to be paid Joel S. Fisk for plats of land;

The sum of forty-eight dollars and sixty-three cents, to be paid to Mr. Francomb for painting and glazing:

The sum of forty-one dollars and fifty cents, to be paid to Chas. Foot for hauling;

The sum of two hundred and thirty dollars and seventy-six cents, to be paid to James Halpin for labor;

The sum of thirty dollars, to be paid to Mrs. Halpin for making carpets;

The sum of thirty dollars, to be paid to J. G. Knapp for copying [laws] lands;

The sum of eighty-four dollars, to be paid to McLeane and Jones for chairs;

The sum of six dollars, to be paid to Simon Olsen for labor,

The sum of one hundred and eighteen dollars and eighty-seven cents, to be paid to Henry C. Parker for desks;

The sum of ten dollars and sixty-nine cents, to be paid to Seymour & Varney for sundries for the capitol;

The sum of one hundred and seventy-seven dollars and sixty-seven cents, to be paid to Shepard & Bonnell for curtains;

The sum of two hundred and ninety-three dollars and sixty-one cents, to be paid to Tibbits & Gordon for materials for the capitol;

The sum of ten dollars, to be paid to P. M. Potter for freight;

The sum of twenty dollars, to be paid to Stephen Huggins for copying laws;

The sum of twenty dollars, to be paid to Wright & Honn for stove.

Said sums to be paid out of the treasury of money not otherwise appropriated, and to be in full for the items above specified.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 226 An act for the division of the county of Portage, and the erection of the county of Marathon.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Division of Portage county.

SECTION 1. All that portion of the present county of Portage, lying within the following boundaries, to wit: Commencing at the south-west corner of township twenty-six, north of range two east, running thence north on the range line, between ranges one and two east, to the northern boundary line of this State; thence easterly on said boundary line to a point where the range line, between ranges nine and ten, intersects said boundary line; thence south on said range line to the south-east corner of township twenty-six, north of range nine, east; thence west on the township line, between township twenty-five and twenty-six, north, to the place of beginning, is hereby set off and erected into a separate county under the name and title of Marathon.

County of Marathon organized.

SEC. 2. That said county of Marathon is hereby erected, established and organized, with all the rights, powers and privileges, by law granted to other counties of this state, and subject to all general laws established for county government.

County officers when elected.

SEC. 3. That on the first Tuesday of April next, 1850, the electors resident within said new county, shall meet in their respective towns or precincts, at the usual place of holding elections, and then and there proceed to elect all and every of the county officers provided by law for county government, which said officers shall hold their offices, when duly qualified, until the expiration of the term of similar officers in other counties.

County judge when elected.

SEC. 4. That on the first Monday May of next, 1850, there shall be elected by the qualified electors of said county of Marathon a county judge, in accordance with the provisions of chapter eighty-six, of the Revised Statutes of Wisconsin, who shall hold his office under the same terms and restrictions, and with the same limitations as is provided by said act for county judges. The county courts of said county shall be held in accordance with law, at such place at Wausau as shall be designated by the supervisors of the county, until the completion of the court house.

County courts where held.

Village of Wausau county seat.

SEC. 5. The village of Wausau is hereby declared to be the county seat of said county of Marathon. The circuit court of the third judicial circuit of Wisconsin, shall hold its session at said county seat of Marthon, commencing on the third Monday of February, and on the last Monday of August, in each and every year, the first term to be held on the last Monday of August next, 1850.

Liabilities, how satisfied.

SEC. 6. The liabilities or indebtedness of the present county of Portage, shall be paid, satisfied, and discharged rateably by said counties of Portage and Marathon, according to the last assessment of Portage county, except so far as the said county of Portage shall have a fund on hand, which said fund shall be used in discharge of such indebtedness, and except further that any new liability of said Portage county arising from any repairs or

alterations of county buildings, &c., shall be paid by said county of Portage. The board of supervisors of either county shall have power to audit claims for which both counties are liable.

Sec. 7. The county of Marathon shall have a claim against the county of Portage for her pro rata of the costs of all public buildings therein situated.

Sec. 8. All process, appeals, recognizances, and other proceedings commenced either in the circuit court for the county of Portage, or in the county court of said county, prior to the first Monday of May next, shall be prosecuted to final judgment therein, in the same manner they might have been had this act not have been passed. Appeals, &c., how prosecuted.

Sec. 9. The county of Marathon shall constitute a part of the second senatorial district.

Sec. 10. The counties of Marathon and Portage shall constitute an assembly district until otherwise provided for by law.

Sec. 11. It shall be the duty of the county supervisors elected at the election to be held the first Tuesday of April next, 1850, in said county of Marathon, to meet at some suitable place in the village of Wausau, on the first Monday of May next, at ten o'clock, A. M. and proceed to select suitable and convenient grounds for the erection of a court house and other necessary county buildings. Supervisors to select location for county building.

Sec. 12. The sheriff of the county of Portage is hereby required to give the legal notice of the election required to be held in said county of Marathon, on the first Tuesday of April next, as the law directs. Sheriff to give notice.

Sec. 13. All records of Portage county relating to persons or property, either real or personal, in said Marathon county, shall be free of access to, and shall be free of charge to the proper officers of Marathon county to transcribe. Records to be free of access.

Sec. 14. This act shall be in force and take effect from and after its publication, and all laws now in force inconsistent with the provisions hereof are hereby repealed. The secretary of state is hereby directed to cause this act to be published in some newspaper printed in Madison, at as early [a] day as possible.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to authorize the payment of a certain sum of money to Martin V. Burris. **Chap 227**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That Martin V. Burris be allowed and paid out of the state treasury the sum of two hundred and seventy-four M. V. Burris.

dollars and forty cents, it being the amount of principal and interest, at ten per centum per annum, of a certificate of indebtedness against the late territory of Wisconsin, held and owned by said Burris, and issued to A. A. Bird on the fifth of March, eighteen hundred and forty-one, for one hundred and forty-four dollars, bearing the said ten per cent interest; which said certificate has been lost or stolen from the possession of said Burris, and as yet not paid to any one, by either the territorial or state treasurer of Wisconsin.

Treasurer to pay.

SEC. 2. That after the passage of this act, the state treasurer shall pay to the said Martin V. Burris, the above sum of money: *Provided*, That before the same is paid, the said Burris shall execute to the said treasurer, for the use of the state, a bond in the penal sum of five hundred dollars, with one or more sureties, to be approved by said treasurer, with a condition, that the said Burris shall forever save the said state harmless from any future liability on said lost or stolen certificates, and refund to said state interest at twelve per cent per annum, the full amount of such liability and costs, in case any should be established against and paid by the state.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 228

An act to appropriate to certain persons the sums therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

J. A. Brown.

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to John A. Brown the sum of fifteen and eighty-four one-hundreth dollars, in full for two hundred and sixty-four copies of the Rock County Badger furnished members of the present legislature.

G. W. Bliss.

SEC. 2. To G. W. Bliss, editor of Wisconsin Tribune, for newspapers furnished members of the legislature during the present session, the sum of five dollars.

Atwood and Buck.

SEC. 3. To Atwood & Buck the sum of one hundred and ninety-nine dollars, in full pay for newspapers furnished members of the legislature at the present session of the legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to amend certain chapters and sections of the Revised Statutes. Chap 229

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Punishment for perjury.

SECTION 1. If any person authorized by any statute of this state to take an oath or affirmation, or if any person of whom an oath or affirmation shall be required by law, shall willfully swear or affirm falsely, in regard to any matter or thing, respecting which such oath or affirmation is authorized or required, such person shall be deemed guilty of perjury, and shall be punished by imprisonment in the state prison as provided by law.

Married woman may convey real estate &c.

SEC. 2. When any married woman residing in this state, shall join with her husband in any deed or conveyance of, or relating to real estate, situate within this state, or when she alone, without joining with her husband, shall execute a release of dower, her acknowledgment, or the proof of the execution of such deed, conveyance, or release, may be taken and certified the same as if she were sole, and if so taken and certified, shall entitle such deed, conveyance or release to be recorded.

Sections of revised statutes repealed.

SEC. 3. So much of section five, of chapter twenty-one of [the] revised statutes as reads as follows, to wit: "It shall be the duty of the secretary of state within one week after the passage of any law or joint resolution, to furnish to the person appointed to print the laws, a correct copy of the same; and it shall be the duty of the person so appointed, to furnish within four weeks after the close of any session of the legislature, to the secretary of state, at his office, the prescribed number of copies of the laws, completed according to the contract;" also so much of section one hundred and six, of chapter eighty-four of the revised statutes, as reads as follows, to wit: "Whenever a judgment at law shall be enjoined before any writ of injunction shall be issued, the complainant shall give a bond to the defendant in a penalty of double the amount of the judgment at law to be enjoined, with good and sufficient security, conditioned as required by law, and particularly to pay to the defendant the amount of such judgment, in case the injunction shall [be] dissolved;" and section one of chapter fifty-five, section twelve of chapter fifty-nine, section ten of chapter one hundred and four, sections seven and eight of chapter one hundred and twenty-five, section thirty-two to section forty inclusive of chapter one hundred and thirty, (section three of chapter one hundred and thirty-one,) and section two of chapter one hundred and thirty-six of the revised statutes are hereby repealed.

Construction to give to certain sections.

SEC. 4. Sections one hundred and eighty-two, and one hundred and eighty-three of chapter eighty-eight of the revised statutes shall be construed the same and shall have the same force and effect as if they were inserted next after section one hundred and ninety-four of said chapter eighty-eight.

Amendments to 28th chapter.

SEC. 5. In addition to the cases in which by the thirteenth section of the twenty-eighth chapter of the revised statutes, the supervisors of towns are authorized to apply for a warrant, the said supervisors may when any of the persons named in said sec-

tion are about to abscond or about permanently to remove from such town, apply to two justices of the peace, in the same manner and with the same effect, as is provided in other cases by said section: and every warrant so issued in pursuance of the provisions of this act shall be subject to all the provisions of law applicable to other warrants issued in pursuance of the provisions of the said thirteenth section.

SEC. 6. This act shall take effect from and after its passage.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 230 An act to provide for the incorporation of Mutual, Savings, Trust, Loan, and Building Associations.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Associations, &c, authorized, and how.

SECTION 1. Any ten or more persons desirous of forming an association for the mutual benefit and assistance of its members, by furnishing them with loans out of the funds of the association, or for providing a safe and profitable depository of the earnings and savings of the working classes and others of small means, or for executing trusts and managing trusts, property and funds, or for assisting its members in the purchase of lots and building thereon, dwelling houses, or in paying for houses and lots which they may have already purchased, may make, sign, and acknowledge before some proper officer authorized to take acknowledgment of deeds, a certificate in writing, in which shall be stated the name of such association, and the objects for which the association shall be formed, the amount of capital stock of such association, the number of shares of which said stock consists, the number of trustees and their names, who shall manage the concerns of said association for the first year, and the name of the city, town and county in which the operations of the said association are to be conducted.

May issue certificates.

Certificates to be filed.

SEC. 2. Such certificate shall be filed in the office of the register of deeds of the county in which the business of the association shall be carried on, and a certificate thereof shall be filed in the office of the secretary of state

Created body corporate.

SEC. 3. When such certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors shall be a body politic and corporate, by the name stated in such certificate, and shall by their corporate name be capable of purchasing, holding, and conveying any real and personal estate whatever, which may be necessary to enable the said corporation to transact the business named in such certificate.

SEC. 4. Parents ro guardians may take and hold shares in such assiations in behalf of their minor children or wards, and trustees in behalf of married women, and may act in such associations in behalf of those they represent. Who may hold shares.

SEC. 5. The investments of every savings or trust association formed under this act shall be made either in loans on pledge of the shares of the association, or in redemption thereof, or on unincumbered real estate, within this state, that shall be worth at least fifty per cent. more than the amount loaned thereon, or in the public stocks of the United States. How investments to be loaned.

SEC. 6. The investments of every loan or building association that shall be formed under the provisions of this act, shall be made either in loans to, or in redemption of the shares of, or in purchasing lots, and erecting dwellings for the members, or in all of said modes, as the constitution of the particular association shall provide. Kinds of loans, &c.

SEC. 7. No association or company formed or organized under the provisions of this act, shall issue any certificate of deposit or stock, bill or other evidences of debt whatever, to circulate as money. Banking prohibited.

SEC. 8. All associations formed under the provisions of this act shall possess the powers and be subject to the provisions of the fifty-fourth chapter of the revised statutes so far as the same may apply. Subject to powers of chapter 64, revised statutes.

SEC. 9. The legislature may at any time alter, amend, or repeal this act, or may annul and disfranchise any corporatiue formed or created under the same.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to Rood & Whittemore the sum therein named.

Chap 231

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to Rood & Whittemore the sum of four hundred and four dollars and five cents, in full for gold pens and pocket knives furnished the members of the legislature at its present session. Rood & Whittemore.

MOSES M. STRONG,
Speaker of Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate
Approved, February 9, 1850.
NELSON DEWEY.

Chap 232 An act to provide for the incorporation of Insurance Companies.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to form companies, &c.

SECTION 1. Any number of persons not less than five in number, may associate and form an incorporated company for the purpose of making insurance upon vessels, freights, goods, wares, merchandize, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debts, bottomry, and respondentia interests, and to make all and every insurance appertaining to, or connected with marine risks, and risks of transportation and navigation, and to make insurance on dwellings, houses, stores, and all kinds of buildings, and upon household furniture, merchandize and other property, against loss or damage by fire, and the risks of inland navigation and transportation, and also to make insurance upon the health or lives of individuals, and all and every insurance appertaining thereto, or connected with health or life risks, and to grant, purchase, or dispose of annuities.

Power to make re-insurance, &c.

SEC. 2. Any company organized under this act shall have power to make re-insurance of any risks taken by them respectively, and may make insurance upon any and all of the risks taken by them respectively, and may make insurance upon any or all of the risks mentioned in the first section of this act, except for the insurance of life and health, but the business of life insurance and health insurance shall in no wise be connected or united in any company making insurance on marine and fire risks.

To file declaration of intentions, &c.

SEC. 3. Such persons shall file in the office of secretary of state a declaration, signed by all the corporators, expressing their intention to form a company for the purpose of transacting the business of insurance, which declaration shall state the name assumed by the company, a copy of the charter proposed to be adopted by them, with the name of the place of their intended location, and they shall publish a notice of their intention, once in each week for at least six weeks in a public newspaper in the county in which such insurance company is proposed to be located, which said notice shall likewise state the time and place where the books of subscription to stock will be opened.

May open books for subscriptions.

SEC. 4. It may and shall be lawful for the individuals associated for the purpose of organizing any company under this act, after having filed their intention and published the notice as before provided, and on the day, and at the place or places in said notice specified, to open books for subscription to the capital stock of the company so intended to be organized, and to keep the same open until the full amount specified in the charter is subscribed; or in case the business of such company is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions, and enter into agreements as hereinafter specified.

Amount of capital necessary before organization completed.

SEC. 5. No joint stock company organized for the purposes mentioned in this act, shall be organized in this state with a smaller capital than fifty thousand dollars, nor shall any company formed for the purpose of doing the business of marine, or fire, or in-

land navigation insurance, on the plan of mutual insurance, when dividends of earned premiums are to be declared, commence business, until agreements have been entered into for insurance, the premiums on which shall amount to fifty thousand dollars, and the notes received therefor, payable on or before one year from the date thereof, which said notes shall be part of the capital stock and shall be valid, and shall be negotiable and collectable for the purposes of paying any losses which may accrue, nor shall any company, organized for the purpose of doing the business of fire insurance, on the plan of mutual insurance when divedends are not to be declared of earned premiuns, commence bnsiness until agreements have been entered into for insurance, the premium notes on which shall amount to five thousand dollars, and the notes received therefor, and per centage paid, said notes payable when called for according to the charter or by-laws of the company, to pay losses and expenses, nor shall any company which may be organized under this act, expose itself to any loss on any one fire or inland navigation risk or hazard, to an amount exceeding ten per cent. of its capital.

Capital stock necessary for life insurance companies.

SEC. 6. No company formed for doing the business of life, or health insurance on the plan of mutual insurance, shall commence business until a cash capital of one hundred thousand dollars shall have been paid in, and actually invested, either in the stocks of the United States or in bonds and mortgages, or farming [lands,] worth double the amount for which the same is so mortgaged, the buildings forming no part of the valuation; the value to be ascertained by the appraisal of three disinterested commissioners appointed by the judge of the county or circuit courts, when applied to for that purpose.

Agents of companies in other states to file certificates &c.

SEC. 7. It shall not be lawful for any company organized under this act to transact business unless possessed of capital or securities as hereinbefore mentioned; nor shall it be lawful for any agent or agents of insurance companies incorporated by other states, directly or indirectly, to take risks or transact any business of insurance in this state, without first having procured a statement under oath of the president and secretary of the company, showing the amount of capital of the company, the manner in detail in which the same is invested, and shall also state whether its capital is unpaid or not, and if unpaid, how much, and file the same with the secretary of state, who shall if he is satisfied of the solvency of the company, grant his certificate of authority to such agent to take risks, and he shall in like manner procure a new statement so long as he shall continue such agent, and cause the same to be filed with the secretary of state, and procure the like certificate of license during the month of January in each and every year thereafter. No company incorporated by other states shall transact business in this state, unless it possess such an amount of actual capital as is required of companies formed under the provisions of this act; nor shall it be lawful for any agent or agents of any company incorporated by any foreign government for the purpose of insurance, to transact any business of insurance without

first having procured a certificate of authority from the secretary of state; such authority to be granted only upon evidence to his satisfaction that such company has invested in stocks of the United States, an amount equal to the amount of capital or security required by this act for companies organized in this state, and that such stocks are deposited in the treasury of this state for the benefit and security of such as may effect insurance with him or them, and shall not be withdrawn by said company until all of their liabilities are discharged, and in all cases where a loss shall happen, and the company shall not discharge their liability within the time limited by the agreement of insurance, it shall be lawful for the party or parties insured, to present a petition under oath to the circuit court of the county where such loss happened, setting forth the fact of insurance, the loss, and amount, with the particulars as far as known of, how it happened, with a prayer that an order be issued to the state treasurer to sell so much of the stocks as shall be necessary to discharge such liability, with interest, costs and charges, of such sale, and upon the filing of such petition with the clerk of the circuit court, he shall issue a summons against said company, citing them to appear before the said court at the next term thereof, to show cause, if any, why the prayer of the petitioner should not be granted, and a service upon the agent or agents, or in case they cannot be found, by leaving a copy at their last usual place of business, shall be legal and valid for the purposes of bringing the parties into court. Upon the return of such process by the sheriff of the proper county, the case shall be proceeded with as in ordinary actions, and in case judgment is rendered for the petitioner or petitioners, the court shall assess twenty-five per cent. damages in addition to the actual amount of loss and interest for the detention thereof, with costs, and shall issue an order to the treasurer of state to sell so much of the stocks of said company as shall be necessary to pay said judgment and costs, with the cost of sale, and out of the proceeds to pay the same. The sale to be at auction, and upon twenty days public notice in some newspaper published at the seat of government of the state, and thereafter, the business of the company shall be suspended until such time as they shall make a further deposit of stocks, equal to the amount so sold. In all actions against insurance companies of other states of the United States, a service upon the authorized agent or agents, resident or doing business in the county where the action is brought, or in case he or they cannot be found, by leaving a copy of the process at the last usual place of business, shall be valid and legal service.

To deposit stock with state treasurer.

Proceedings in case of loss.

To give notice &c.

SEC. 8. It shall be lawful for any company organized under this act to invest its capital or the funds accumulated by its business, or any part thereof, in bonds and mortgages on unincumbered real estate, within this state worth fifty per cent. more than the sum loaned thereof, or in stocks of the United States, and to lend the same, or any portion thereof, on the security of such stock or bonds and mortgages, and any company organized for

How capital to be invested.

the purpose of marine insurance may in addition to the foregoing, loan their funds on bottormy and respondentia and change and reinvest the same as occasion may from time to time require.

Limitation as to real estate to be held, &c.

Sec. 9. No company organized by or under the provisions of this act, shall be permitted to purchase, hold, and convey real estate, except such as shall be necessary for its immediate use in the transaction of its business, or such as shall have been mortgaged to it in good faith by way of security for loans, or such as shall have been conveyed to it in satisfaction of debt previously contracted in the regular course of its dealings, or such as shall have been purchased upon any sale upon judgments, decrees or mortgages in their favor, or upon lands in which they have an interest, subsequent to such judgment, decree, or mortgage.

To set forth manner of electing officers.

Sec. 10. It shall be the duty of the corporators of any and every company organized under this act, in addition to the other provisions in this act contained, to set forth in their charter the manner in which the corporate powers are to be exercised, the mode and manner of electing their officers, a majority of whom shall be citizens of this state, and the filling of vacancies, the commencement and termination of its fiscal year, together with the amount of capital to be employed in its business.

Charter to be examined and approved by Governor.

Sec. 11. The charter thus filed by the corporation shall be examined by the governor, and if found to be in accordance with the requirements of this act and consistent with the constitution and laws of this state, he shall so certify to the secretary of state. The corporators shall certify under oath that an amount equal at least to the amount specified in the fifth section of this act, if it be a stock company, has been paid in, and is possessed by it in money or in such stocks and bonds, and mortgages, as are required by the eighth section of this act, or if a mutual company, that it has received, and is in possession of the capital premiums, or engagements of insurance as the case may be, to the full extent required by this act, or if it be a life and health insurance company to the full amount, and invested in the manner as required by the sixth section of this act, which said certificate shall be filed with the secretary of state, whose duty it shall then be to furnish the corporation with a certified copy of the charter and certificates aforesaid, which shall be their authority to commence business and issue policies.

May make by-laws.

Sec. 12. The corporators, or the trustees, or directors of any company organized under the provisions of this act, shall have the power to make such needful by-laws, not inconsistent with the constitution of the United States, or the constitution or laws of this state, as to them may seem necessary and expedient.

Duties of president or other officers of company.

Sec. 13. It shall be the duty of the president, or vice president, and secretary of each company organized under this act, annually, on the first day of January, or within one month thereafter, to prepare and certify to the condition thereof, under oath, and deposit in the office of secretary of state, and also cause to be published, in at least one paper at the seat of government, and one paper in the county where the said company are doing

business, a statement exhibiting the total amount of premiums received, and the total amount of losses paid and ascertained including expenses during the year, also the amount of debts owing by the company at the date of the statement, and the amount of claims which then existed against the company for losses accrued, showing what amount of such losses is payable on demand, what amount is considered fair or legal, the payment of which has not been matured according to the contract, and what amount thereof is resisted on account of alledged fraud, or for which the company do not consider themselves legally liable; also a statement of the securities representing the capital stock, and all funds of the company; and also whether any of the securities held or owned by such company are considered bad or doubtful, and if so, specifying the amount of such securities, and the gross amount of outstanding risks thereon, and a list of the stockholders, if a stock company, together with the amount of their respective shares, and if upon due examination it shall appear to the secretary, that the losses and expenses of such company during the year have exceeded the premiums, and in consequence thereof the capital of such company has become deficient, or from any other cause has become impaired, it shall be the duty of said secretary to direct the officers of any such company, within sixty days, to proceed to wind up its business unless within that time the stockholders thereof shall pay in the amount of such deficiency. Any company receiving such requisition from the secretary, shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by its charter, and in case any stockholder of such company shall refuse or neglect to pay such call after notice personally given, or by advertisement in such time and manner as the secretary shall approve, it shall be lawful for said company to require the return of the original certificates of stock held by such stockholders, and in lieu thereof, to issue new certificates for such number of shares as the said stockholders may be entitled to, in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of said company; the value of such shares, for which such new certificates shall be issued, to be ascertained under the direction of the secretary, and the company paying for the fractional parts of shares; and it shall be lawful for the directors of such company to create new stock and dispose of the same and issue new certificates therefor, to an amount sufficient to make up the original capital of the company, and it is hereby declared that in the event of any additional losses accruing upon new risks taken after the secretary shall have made the requisitions aforesaid, and before the said deficiency shall have been made up, the directors shall be individually liable to the extent thereof, and in all cases until the requisition of the secretary shall be complied with; the directors shall be liable for all damages occasioned by such neglect to any person or body corporate which may be injured thereby. Any transfer of the stock of any stock company organized under this act, shall not release the party making the trans-

fer from his liability for losses which may have accrued previous to the transfer.

Right reserved to legislature.

SEC. 14. The legislature may at any time alter, amend, or repeal this act, and in case of the abuse of the powers herein conferred by any company, may dissolve and provide for the closing up the business and affairs thereof.

Suits may be maintained vs. stockholders.

SEC. 15. Suits at law may be maintained by any corporation formed under this act, against any of its members or stockholders for any cause relating to the business of such corporation, and may be maintained by any member or stockholder against such corporation for losses which may have accrued, if payment is withheld, in all risks after such loss shall have become due.

To be deemed corporate bodies.

SEC. 16. All companies formed under this act shall be deemed and taken to be bodies corporate and politic, and may sue and be sued, and shall be subject to all laws relating to corporations, so far as the same shall be applicable.

Shall not engage in trade.

SEC. 17. No company formed under this act shall directly or indirectly deal or trade in buying and selling any goods, wares, merchandize, or other commodities whatever.

Trustees, &c., to be jointly and severally liable.

SEC. 18. The trustees and corporators of any company organized under this act, and those entitled to a participation of the profits, shall be jointly and severally liable, until the whole amount of the capital raised by the company shall have been paid in, and a certificate thereof recorded as hereinbefore provided. Notes taken in advance of premiums, under this act, are not to be considered debts of the company in determining whether a company is insolvent, but are so to be regarded as assets of the company.

When dividends not to be made.

SEC. 19. No dividend shall ever be made by any company incorporated under this act when its capital stock is impaired, or when the making thereof would have the effect to impair its capital stock, and any dividend so made, shall subject the directors and the stockholders receiving the same to a joint and several liability to the creditors of said company to double the amount of the dividend so made.

Mutual companies may unite capital, &c.

SEC. 20. In pursuance of this act it shall be lawful for any mutual company to unite a cash capital to any extent as an additional security to the members over and above their premiums, and stock notes, which additional cash capital shall be left open for accumulation, and shall be loaned and invested as provided in the eighth section of this act, and the company may allow an interest on such cash capital and a participation in its profits, and prescribe the liability of the owner, or owners thereof, to share in the losses of the company, and such cash capital shall be liable as the capital stock of the company in the payment of its debts.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,
Approved, February 9, 1850.
NELSON DEWEY.

Chap 233 An act to appropriate to B. H. Campbell the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

B. H. Campbell. SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to B. H. Campbell the sum of two hundred and sixty dollars and thirty-three cents, being balance due for candles furnished the governor for the use of the state.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 234 An act to appropriate to James W. Seaton the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

J W. Seaton. SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to James W. Seaton the sum of ten dollars in full for publishing proposals for printing in the Potosi Republican.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 235 An act to appropriate to B. S. Henning the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

B. S. Henning. SECTION 1. That there be and hereby is appropriated to B. S. Henning the sum of fifteen dollars in full for three hundred copies of the Winnebago Telegraph furnished the members of the legislature during the present session.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

An act to provide for the appraisal and sale of school lands, and for granting pre-emptions thereon. Chap 236

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be appointed by the legislature at its present session, by joint resolution of the senate and assembly, three persons in each county, in which any of the five hundred thousand acres of land granted by the United States to the state of Wisconsin, and appropriated to the school fund, have been located, except that portion thereof included in the odd numbered sections remaining unsold, and being part of the grant of land to aid in the construction of a canal from Milwaukee to Rock river, who shall proceed to appraise such lands located in the county for which they were appointed as hereafter provided. Legislature to appoint appraisers.

SEC. 2. At any time hereafter, when any of such lands provided for in such grant shall be located and duly reported according to law, it shall be the duty of the Governor of the state of Wisconsin to appoint three suitable persons in each county where said lands may be located, to act as appraisers of said lands as hereinafter provided. When lands located Governor to appoint appraisers.

SEC. 3. It shall be the duty of the secretary of state, within ten days after the appointment of appraisers as specified in the first and second sections of this act, to issue a notice of such appointment in writing under the seal of the state to the persons so selected, which said notice shall either be delivered to the appraiser in person or forwarded by mail, directed to the post office nearest his residence, and in case any or either of the appraisers so selected shall refuse to qualify according to law, within twenty days after notice of his appointment, the governor shall proceed to make a new appointment to fill such vacancy or vacancies, and continue so to do until all the commissions are full. Secretary to notify appraisers of their appointment.

SEC. 4. The appraisers appointed under either of the foregoing provisions, shall before entering on the duties of their office, take and subscribe an oath or affirmation to be administered by some proper officer, to support the constitution of the United States and of this state, and faithfully and honestly to discharge the duties devolving upon them as such appraisers, according to the best of their ability, which said oath or affirmation shall be attached to their report to be returned as hereinafter provided. Appraisers to make oath &c

SEC. 5. It shall be the duty of the appraisers or a majority of them, upon receiving notice as provided in the third section of this act, and after having taken the oath provided for in the fourth section of this act, to proceed to make a personal inspection of all lands situate in the county for which they were appointed, and to appraise the same in forty acre lots, stating the value per acre of each, and every such lots at a fair valuation, without reference to any improvements made thereon. They shall also return a particular description of all improvements made by any occupant or claimant upon any such lands if any, with a full and fair estimate Duty of appraisers.

of the value of such improvements, with the name or names of the person or persons claiming the same.

To make report.

SEC. 6. After having inspected each and every parcel of said land, situate in said county for which said appraisers were appointed, and within six months after their appointment, to make a full, distinct, and correct report to the office of the secretary of state, of all the lands within their respective counties, describing them by forty acre divisions, with the value per acre, as estimated by them, of each subdivision; also, an estimate of the improvements, &c., on each, as before provided, and for the purpose of giving form, uniformity, distinctness and correctness to their said reports, the secretary of state is required to furnish to such appraisers printed forms upon which to make their returns, upon such plan as may be by him provided.

Compensation.

SEC. 7. The said appraisers aforesaid shall be allowed for the services herein required of them, at the rate of two dollars and fifty cents per day for the time they may be necessarily engaged in the discharge of their duties as such appraisers, to be determined by their oaths; the payment thereof to be made out of the school fund upon the certificate of the secretary of state, stating the amount so due for such service, but no certificate shall be granted until such appraisers shall have fully complied with all of the requirements of this act.

State officers to offer lands for sale, &c.

SEC. 8. After the lands shall have been so appraised and the appraisal duly reported to the office of the secretary of state, and whenever in the opinion of the treasurer, secretary of state, and the attorney general, it shall be for the best interest of the school fund, the said lands shall be offered for sale, which sale shall be conducted in the manner and under the restrictions which are now provided for the school and university lands, by chapter twenty-four of the revised statutes, or as may hereafter be provided; but in all cases of pre-emptions under this act, the pre-emptor shall have the right to purchase according to the premises herein provided.

Pre-emption secured to settlers.

SEC. 9. There is hereby secured to every person who at the time of the location for school purposes, any tract of land referred to in section one of this act, had made an actual settlement and cultivation thereon, the pre-emption right to purchase an amount of land not exceeding one hundred and sixty acres, embracing such settlement and cultivation to be selected by the claimant in legal subdivisions at the appraised value: *Provided*, That no such pre-emptor shall be allowed to purchase any land so claimed for a less sum than one dollar and twenty-five cents per acre.

Proviso.

Pre-emptor to prove claim, &c.

SEC. 10. At any time before any such lands shall actually be offered for sale, any person or persons residing thereon wishing to avail themselves of the rights secured by section eleven, of chapter twenty-four of the revised statutes, shall prove up their right to such pre-emption before the said commissioners by the affidavits of two or more disinterested persons, together with his or her own, setting forth that he or she had at the time of the location as school

lands by the state, of the premises therein described, made an actual settlement and cultivation thereon, and shall at the time of the sale comply with the same conditions and obligations imposed upon other purchasers of said lands, and in case of non-compliance with the terms hereof shall forfeit all right to pre-emption.

Prohibition.

SEC. 11. The appraisers appointed by virtue of this act are hereby prohibited from surveying the lands appraised by them.

Credit may be given not exceeding thirty years.

SEC. 12. In all cases in which in the opinion of the treasurer, secretary of state, and attorney general the said lands are an adequate security for the purchase price, and will remain so during the time for which a credit shall be given on them, the same shall be sold on a credit of not exceeding thirty years, with interest payable annually, at the rate of seven per cent. per annum in advance.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate the several sums therein mentioned. **Chap 237**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

E. R. Utter.

SECTION 1. There is hereby appropriated to E. R. Utter the sum of sixteen dollars and eighty cents, to be paid out of any money in the treasury not otherwise appropriated, for papers furnished the present legislature.

Alden & Holt

There is hereby appropriated to Alden & Holt the sum of twelve dollars and twenty-five cents, for papers furnished the present legislature.

S. M. Booth.

There is hereby appropriated to S. M. Booth the sum of ten dollars for papers furnished the present legislature, and the further sum of two dollars for publishing governor's proclamation.

Densmore & Cooley.

There is hereby appropriated to Densmore & Cooley the sum of six dollars for papers furnished the present legislature.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

An act to appropriate to Samuel Ryan, Jr., the sum therein named. **Chap 238**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

S. Ryan, Jr.

SECTION 1. There is hereby appropriated to be paid out of

any money in the treasury not otherwise appropriated, to Samuel Ryan, Jr., the sum of four dollars in full for twenty copies of the Fond du Lac Republican furnished members of the present legislature.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 239 An act to appropriate to J. R. Rickey the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

J. R. Rickey. SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to J. R. Rickey the sum of two dollars and fifty cents in full for medicines furnished Reed, state prisoner.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL
Lt. Governor, and Pres't of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 240 An act to appropriate to S. H. Taylor the sum therein named.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

S. H. Taylor. SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to S. H. Taylar the sum of thirteen dollars and seventy-five cents, in full for two hundred and twenty copies of newspapers furnished the members of the present legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 241 An act to appropriate to Cramer & Curtis the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Cramer & Curtis. SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to Cramer

& Curtis the sum of fifty dollars in full for the daily Wisconsin furnished the members of the present legislature at its present session.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to the county of Waukesha the sum therein named. **Chap 242**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to the county of Waukesha, the sum of one hundred and thirty-eight dollars and thirteen cents in full for board and clothing furnished state prisoners up to October 30, 1849, and also in full for charges for removing state prisoners from Milwaukee to Waukesha. Waukesha co.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to Tenney, Smith, Holt, & Co. the sum therein named. **Chap 243**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section. 1. There is hereby appropriated to Tenney, Smith, Holt, & Co. the sum of one hundred and ninety-three dollars and fifty cents, for three thousand two hundred and twenty-five copies of the Wisconsin Argus furnished to the members of the legislature, at five cents per copy. Tenney, Smith Holt & Co.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to Rev. Charles Lord the sum therein named. **Chap 244**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section. 1. That there is hereby appropriated to the Rev. Rev. C. Lord.

Charles Lord the sum of fifty dollars for his services of chaplain during the present session of the legislature, in full, out of any money in the treasury not otherwise appropriated: *Provided*, That no more than fifty dollars shall be paid the said Lord for his services as chaplain for the year 1850.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 245 An act to appropriate to Fratney & Hertzberg the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Fratney and Hertzberg.

SECTION 1. There is hereby appropriated to Fratney & Hertzberg, of the city of Milwaukee, the sum of forty-five dollars and forty-five cents, in full for translating and printing five hundred copies of the governor's message in the German language.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 245 An act to appropriate to Delaney and Wright the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Delaney and Wright.

SECTION 1. There is hereby appropriated to Delaney & Wright the sum of five dollars and fifty cents in full for one hundred and ten copies of "The Telegraph," published at Shullsburg, and furnished to members of the legislature at the present session, out of any moneys in the state treasury not otherwise appropriated.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 247 An act to appropriate to Bunner & Stafford the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Bunner and Stafford.

SECTION 1. There is hereby appropriated to be paid out of

any money in the state treasury not otherwise appropriated, to Bunner & Stafford the sum of thirty-six dollars, in full for six hundred copies of the Racine Advocate furnished members of the present legislature.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to pay the several persons the sums therein named. **Chap 248**

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That there is hereby appropriated to William R. Smith and William Hull, each the sum of fifty dollars for preparing the journals of the senate and assembly of the present session for publication. W. R. Smith & W. Hull.

Sec. 2. To Alfred Johnson the sum of fifty dollars in payment for writing done for the legislature at its present session. A. Johnson.

Sec. 3. There is hereby appropriated to the chief clerk of the assembly the sum of thirty dollars to pay for enrolling bills during the present session. Chief clerk.

Sec. 4. That there is hereby appropriated, to be paid out of any funds in the state treasury, to D. N. Johnson the sum of fifty-one dollars, for services as assistant clerk of the assembly and enrolling clerk of the senate, and for extra writing done for the present legislature. D. N. Johnson

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to direct in what manner and in what courts suits may be brought against the state. **Chap 249**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That hereafter it shall be competent for any person or persons, deeming him, her, or themselves, or any body politic, deeming itself aggrieved by the refusal of the legislature to allow any just claim against the state, to exhibit and file a petition in the nature of a bill in chancery, setting forth fully and particularly the nature of such claim with the clerk of the supreme court, either in term time or vacation. How claimants to proceed

Sec. 2. At the time of filing such petition or bill, the com- Complainant

File bond, &c. plaintiff shall also file a bond, running to the state treasurer, with two or more sufficient sureties, to be approved by the state treasurer, in the penal sum of five hundred dollars, conditioned to indemnify the state against all costs that may accrue in said cause, and to forthwith pay, or cause to be paid to the clerk of said court, all costs, in case he (complainant) shall fail to prosecute his suit, or to obtain a judgment or decree against the state, and the cause shall then be placed upon the calender.

To file copy of petition with attorney general. SEC. 3. The said complainant, within ten days after having filed said petition or bill, and said bond, shall serve a true copy of the said petition or bill upon the attorney general of the state, together with a rule to plead, answer, or demur, within a period of time not less thirty days from the time of such service; and the attorney general shall thereupon be required to plead, answer, or demur, within the time expressed in such rule.

Supreme court to determine cause, &c. SEC. 4. The supreme court shall, in its order, proceed to hear and determine said cause, as the law and very rights of the case may require, and in the progress of said cause, if an issue of fact shall be made up, and the supreme court shall be satisfied that it shall be necessary to have the same tried and determined by a jury, they shall certify the same to any one of the circuit courts in any county in the state, and the said circuit court shall proceed at its next regular term, to try by jury, as in other causes; the said question of fact, subject to the laws, rules and regulations of said court, and the verdict rendered by the jury shall be sealed up and returned immediately to the clerk of the supreme court; and thereupon the supreme court, shall in their discretion, enter judgment or decree thereon, or certify (for cause shown) the same question or questions of fact back to the same or any other circuit court, to be re-tried, who shall try, certify and return the same in manner as hereinbefore provided, and the decree or judgment rendered in the supreme court, shall be conclusive and final, and the supreme court may grant a new trial of any issue of fact as often as they shall be satisfied there is good cause therefor.

Judgment vs. state to be paid by appropriation. SEC. 5. No judgment or decree rendered as aforesaid, against the state, shall be paid without an appropriation properly made by the legislature, and no execution shall ever be issued against the state upon such judgment or decree.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

An act to provide for the payment of the traveling expenses of the State Superintendent. **Chap 250**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The sum of four hundred and fourteen dollars and seventy-five cents is hereby appropriated to pay the traveling expenses of the state superintendent of public instruction for the year ending December 31, 1849, which sum shall be paid out of the state treasury. State superintendent.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act repealing section eight of chapter one hundred and twenty-five of the Revised Statutes, concerning writs of mandamus and prohibition. **Chap 251**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the seventh section of chapter one hundred and twenty-five of the Revised Statutes, be amended, so that instead of the fine which by the said seventh section the court is authorized to impose, the court shall be authorized to impose a fine to be paid to the state treasurer, not exceeding five thousand dollars upon every such officer or member of such body or board, and to sentence to imprisonment in any jail in this state, for a term of time, not exceeding five years, every such officer or member of such body or board, or either of said penalties in the discretion of the court. Amendment to Rev. Statutes.

SEC. 2. Section eight of said chapter one hundred and twenty-five, is hereby repealed.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

An act to change the name of the town and village of Arcade in the county of Marquette. **Chap 252**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the town of Arcade in the county of Marquette, is hereby changed to Brooklyn, by which name it shall hereafter be known in all places whatsoever. Arcade changed to Brooklyn

Arcade changed to Dartford.

SEC. 2. The name of the village of Arcade in the county of Marquette, is hereby changed to Dartford, by which name it shall hereafter be known in all places whatsoever.

SEC. 3. This act shall take effect and be in force from and after passage.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February, 9, 1850.
NELSON DEWEY.

Chap 253

An act to pay E. B. Dean, Jr., the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

E. B. Dean, jr.

SECTION 1. There is hereby appropriated to E. B. Dean, Jr., the sum of five hundred and seventy dollars, in full for principal and nine years interest on territorial scrip, issued February 13th, 1841, by an act to provide for the payment of expenses of the legislative assembly, to wit: numbers twenty-one, twenty-two, twenty-three, twenty-four, twenty-six and twenty-eight, to be paid out of any fund in the state treasury not otherwise appropriated: *Provided*, That only that sum shall be paid out of the treasury for any such purpose to the said Dean.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 254

An act to appropriate to Alexander Mitchell the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

A. Mitchell

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to Alexander Mitchell the sum of one hundred and sixty-five dollars, in full for territorial scrip numbered 184, 186, 185, 928 and 464.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

An act to pay to D. T. Dickson the sum therein named. **Chap 255**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to D. T. Dickson the sum of three thousand nine hundred sixty dollars and ninety-eight cents, in full for all printing done for the legislature up to and inclusive of February 11, 1850. D. T. Dickson

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate,

Approved, February 9, 1850.
NELSON DEWEY.

An act to amend the twelfth section of chapter one hundred and fifty-five, title twenty-three of the Revised Statutes. **Chap 256**

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twelfth section of chapter one hundred and fifty-five, title twenty-three of the Revised Statutes, shall be so amended as that each justice of the peace in this state shall be allowed one copy of the Revised Statutes, under the same requirements and restrictions that apply to other officers receiving such copies. Revised Statutes to be distributed to justices of peace.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 11, 1850.
NELSON DEWEY.

An act to incorporate the Upper Wisconsin Navigation Improvement Company. **Chap 257**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Charles Shuter, John Strong, Abraham Brawley, Enoch G. Bean, and Edward A. Pierson, and their associates and successors shall be, and they are hereby incorporated and made a body corporate and politic in fact and in name, by the name of "The Upper Wisconsin Navigation Improvement Company," for the purpose of improving the navigation of the Wisconsin river from Point Boise to the main forks of said river, next above the Beaulieux rapids, and of using or leasing the water power created by such improvement, and by that name they and their successors shall be known, and they are hereby made capable in law of sueing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places Persons created body corporate.

whatsoever, and to make and use a common seal, and the same to alter and renew at pleasure; and for the purpose of carrying out the objects of this incorporation, they and their successors and assigns shall have power to erect and maintain dams with suitable slides at such points on the Wisconsin river between the points aforesaid as to them shall seem necessary for the suitable improvement of the navigation of said river, and for that purpose they and their successors and assigns in their corporative name shall be and they are hereby capable in law to purchase, receive, have, hold, and enjoy any lands, tenements, water power, and water privileges, goods and chattels and other real and person estate to enable them to accomplish the objects of their incorporation, and the same to use and employ, grant, demise, pledge, convey, and dispose of as they shall deem proper, and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and useful or necessary for the purposes of their incorporation, and they and their successors and assigns shall have power and authority to demand and receive and give receipts for the same, and to sue for and recover by summons, distress, attachment, or in any other proper manner, tolls upon all lumber, timber, logs, shingles, lath, boats, scows, barges, or other vessels which shall pass over any dam or other improvement made by them or their successors or assigns at the following rates to wit: On all lumber and on all hewed or squared timer at the rate of one cent. per thousand feet of board measure, for each and every foot of elevation in any dam made by them or their successors or assigns, and over which such lumber or timber shall be run; on all logs or timber which cannot be conveniently reduced to board measure thirty cents, for each raft, for each and every foot of elevation in any dam made by them or their successors or assigns, and over which such raft shall be run; on all shingles or lath at the rate of five mills per thousand, for each and every foot of elevation in any dam made by them or their successors or assigns; On all boats, scows, barges or other vessels at the rate of five mills per ton burthren for each and every foot of elevation in any dam made by them or their successors or assigns, and if they or their successors or assigns shall adopt any other mode of improving the navigation of said river than by building dams, they shall be entitled to receive the same rate of tolls for such improvement as they would have been entitled to if such improvement had been made by means of a dam.

Rates of toll.

Capital stock not to exceed $250 000.

SEC. 2. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, to be subscribed in shares of one hundred dollars each, and as soon as five hundred shares of the said stock shall be subscribed, the individuals above named or any three of them may by public notice published in one or more newspapers printed nearest the village of Plover, for a period of not less than thirty days, call a meeting of the stockholders of said company for an election of five directors.

Business of company to be managed by directors, &c.

SEC. 3. The stock property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, and they shall hold

their offices for one year, and until others are elected in their places, and the stockholders may vote either in person or by proxy, and shall be entitled to one vote on each share of the capital stock they may severally hold in said company, and in every election of directors, the stockholders having the greatest number of votes shall be directors, and the individuals above named or any two of them shall be inspectors and judges of the first election, and the said directors when elected shall choose out of their own number a president, and the said president and directors shall annually thereafter by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders not being directors, as inspectors and judges of election, and the said president and directors may make, ordain, and execute such by-laws and regulations for the government of the said corporation in their proceedings, and for the management of the stock, property, effects, and concerns of said company, as may by them be deemed necessary and convenient: *Provided*, The same be not repugnant to the constitution or laws of this state or of the United States, and the said president and directors or a majority of them shall and may appoint such officers, superintendant's agents, and servants, with such compensation as they may think proper, and may remove the same at their pleasure. Proviso.

When company authorized to commence business.

Sec. 4. As soon as forty thousand dollars of the capital stock of the said company shall have been paid or satisfactorily secured, it shall and may be lawful for the said company to commence their business, and the said president and directors or a majority of them shall have power to call in said stock from time to time in such instalments as they shall see fit to prescribe, giving thirty days notice as aforesaid, not exceeding ten dollars on each share for one instalment, and the instalments not less than thirty days apart, and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments, or his or their respective share or shares so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon shall be absolutely forfeited to the said company for the use and benefit of said company.

Neglect to pay instalments forfeits stock.

Dividends to be divided semi-annually, &c.

Sec. 5. The stock and property of the said company of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company in such manner as shall be prescribed by the by-laws of the said corporation.

Stocks to be declared personal property.

Sec. 6. A dividend of the profits of the said company (except of so much thereof as shall be set apart for a surplus fund,) shall be made semi-annually by the said president and directors among the stockholders, but no dividend shall be made of any part of the capital stock of said company, and the books of the said company shall at all times be open for the inspection of the stockholders or any of them, and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered

in a book or books to be kept by the president and directors for that purpose.

How company may be dissolved.

SEC. 7. The said company may be dissolved at a general meeting of the stockholders specially summoned for that purpose: *Provided*, At least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favor of such dissolution, and upon such dissolution, the directors for the time being, and the survivors and survivor of them shall be trustees for settling all the affairs of said company, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock, unless the stockholders at such general meeting shall appoint other persons not less than three nor more than five in number for such purpose in which case the person so appointed, the survivors or survivor of them shall be trustee and trustees for the purpose aforesaid.

Proviso.

How elections conducted.

SEC. 8. All elections of directors of the said company shall be by ballot, and if the president and directors of the said company for the time being shall at any time neglect or refuse to call annual meetings for the election of directors as herein before prescribed, the stockholders or a majority of them may within the time in such case prescribed give notice and call meetings, and elect directors in like manner as if said directors had given notice as prescribed by this act, and if at any election of directors two or more stockholders shall receive an equal number of votes, then the directors for the time being shall by ballot determine which of such stockholders shall be director or directors, and on the death or resignation of any of the directors, the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

Failure to elect at time appointed not to dissolve co.

SEC. 9. In case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed dissolved, but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation after thirty days notice.

Persons named in 1st section to act as commissioners to receive stock.

SEC. 10. The persons named in the first section of this act shall be commissioners for receiving subscriptions to the capital stock of said company, and shall open books for receiving such subscription at Plover in Portage county, under the directions of said commissioners or a majority of them on the last Tuesday of February in the year one thousand eight hundred and fifty, and shall keep open said books until five hundred shares of said stock shall be subscribed, and books shall also be opened at such other times and places as the said commissioners or a majority of them shall direct.

SEC. 11. This act is hereby declared to be a public act and

shall be construed favorable in all courts and places whatsoever.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to incorporate the Fort Winnebago and Duck Creek Plank Road Company. **Chap 258**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Created body corporate, &c.

SECTION 1. Henry Merrill, Benjamin L. Webb, H. McFarlane, H. Carpenter, M. Van Winter and LaFayette Hill, and such other persons as shall associate with them, and become stockholders pursuant to the provisions of this act, shall be and hereby are created and made a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Fort Winnebago and Duck Creek Plank Road Company," and by that name they and their successors shall have perpetual succession, and shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all matters appertaining to said company.

Power to construct plank road.

SEC. 2. The said company have power to construct a plank road from the Portage canal, at a place where the state bridge will cross the same, on the end of the canal nearest the Wisconsin river, to the other end of the long crossway south of Duck Creek bridge on the military road in Columbia county, and the route of said road between the points above named shall be determined by the directors of said company when elected by the stockholders, and duly organized, and they shall have power in their discretion to construct said plank road along and upon any road, or highway, now or hereafter to be laid out, opened and established by the proper authorities, and of such width, and in such manner as the said directors shall determine, but there shall be one or more tracks upon the same, made of planks securely laid, so as to form a smooth and even surface:

Amount of capital stock.

SEC. 3. The capital stock of said company shall not exceed the sum of ten thousand dollars to be divided into shares of twenty five dollars each; and shall be transferable in such manner as shall be prescribed in and by the by-laws of said company, and each stockholder shall be entitled to one vote for each and every share of stock held by them by proxy or in person.

Business managed by five directors.

SEC. 4. The business and the concerns of said company shall be managed and conducted by five directors, who shall be stockholders, and shall be elected annually on the first Monday in December, at such place as a majority of the directors shall appoint,

Who exempt from paying toll.

half cent per mile. No toll shall be exacted of any person while actually going to or returning from any religious meeting on Sunday, or from any person liable to do military duty while actually going to or returning from any military parade or review, at which their attendance shall be by law required; and the toll gatherer at any of said gates erected on said road, in pursuance of this act may detain and prevent from passing such gate any vehicle, carriage or animal, subject to toll, until the toll thereon is paid.

Punishment for injury.

SEC. 10. Any person who shall wilfully break or throw down any said gate on said road which may have been erected in pursuance of this act, or shall do any damages to said road, or forcibly or fraudulently pass any such gates without having paid the legal toll or to avoid the payment of the legal toll, shall with his, or her team, vehicle, or carriage or animal, turn out of said road or pass around such gate for the purpose of avoiding such toll, and return again on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, (and also for such damages of said company) and also for all damages of said company, to be recovered by said company in the name of the president and directors of the Fort Winnebago and Duck Creek plank road company in [an] action of trespass or trespass on the case according to law.

Directors liable for increase of capital stock.

SEC. 11. The debts and liabilities of said corporation shall not exceed in amount at any one time fifty per cent of its capital actually paid in; and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess in addition to their other liabilities at law as provided for in this act.

SEC. 12. If said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company in relation to said road and the use of the same.

MOSES M. STRONG,
Speaker of Assembly.

SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.

NELSON DEWEY.

Chap 259 An act to vacate a part of the plat of the village of Hustisford in the county of Dodge.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Part of plat of Hustisford vacated.

SECTION 1. Lots eighty-three, ninety-eight, ninety-nine, one hundred and fourteen, one hundred and fifteen, and hundred and

thirty, in the village of Hustisford, in the county of Dodge, and also Griffith street in said village, are hereby vacated.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to Peter W. Matts the sum therein named. Chap 260

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to Peter W. Matts the sum of forty-five dollars in full for his attendance on the Supreme Court as sheriff, at the June term of said court 1849: Also the further sum of fifty-seven dollars and fifty cents for his attendence on the Supreme Court as sheriff at the January session of said court, 1850. P. W. Matts.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to Ephraim F. Ogden the sum therein named. Chap 261

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Ephraim F. Ogden the sum of one hundred and fifty dollars, being in full for three certain territorial scrips, Nos. 202, 225, and 226, being for fifty dollars each, by his surrendering and placing on file in the office of the secretary of state the said territorial scrip. E. F. Ogden.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

An act to appropriate to the county of Milwaukee the sum therein named. Chap 262

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be and hereby is appropriated out of Milwaukee co

any money in the state treasury not otherwise appropriated, to the county of Milwaukee the sum of thirteen dollars and fifty cents, for moneys paid to Cramer and Curtis for publishing as per order of the governor, a description of Deutzhold the murderer.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 263 An act to appropriate to L. O. Shrader the sum therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

L. O. Shrader. SECTION 1. There is hereby appropriated to L. O. Shrader to be paid out of any money in the treasury not otherwise appropriated, the sum of fourteen dollars and sixty-six cents in full for his fees as clerk of the district court in the suit, the territory of Wisconsin vs. James D. Doty, John F. O'Neil, and Augustus Bird.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 264 An act to appropriate to the county of Racine the sum therein named.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Racine co. SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to the county of Racine the sum of four hundred [and] twenty-six dollars in full for board and clothing furnished state prisoners up to January 8, 1850.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,
Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to King & Fuller the sum therein named. Chap 264

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, to King & Fuller the sum of forty-five dollars in full for newspapers furnished the members of the present legislature. King & Fuller.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to pay Bird & Mills the sum therein named. Chap 265

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That there is hereby appropriated out of the state treasury the sum of nine dollars and fifty cents to R. Bird and F. J. Mills out of any monies not otherwise appropriated for newspapers furnished during the present session of the legislature. Bird & Mills.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to James Morrison the sum therein named. Chap 266

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to James Morrison post master at Madison, the sum of one thousand and ninety-five dollars and eighty-five cents for the postage of the senate and assembly during the present session. J. Morrison.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

Chap 267 An act to amend the existing laws relating to the assessment and taxation of personal property.

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That each individual subject to taxation, in giving in his personal property for assessment, shall be permitted to deduct from the same the sum of all just and bona fide debts and liabilities, owing by him to other persons, and he shall be assessed for the balance remaining if any there be.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 268 An act to organize a sixth judicial circuit and to provide for the election of a Circuit Judge therefor.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

What counties to constitute the sixth judicial circuit.

SECTION 1. From and after the first Monday in the month of July in the year one thousand eight hundred and fifty, the counties of Crawford, Chippewa, Bad Axe, Black River, St. Croix, and La Pointe shall be organized into and constitute a judicial circuit, to be known and designated as the sixth judicial circuit.

When courts to be holden.

SEC. 2. The circuit courts of the said sixth judicial circuit shall be holden at the times and places following, to wit:

In the county of Crawford on the first Monday in May and the second Monday in November of each year.

In the county of Bad Axe on the third Monday in May and the fourth Monday in November of each year.

In the county of St. Croix on the first Monday in August and the first Monday in February of each year.

In the county of La Pointe on the second Monday in September and the second Monday in March in each year.

When judge to be elected.

SEC. 3. An election for judge of the said sixth judicial [circuit,] shall be held on the first Monday in the month of July next, the election shall be conducted and the votes canvassed in the same manner as at general elections for state and county officers; the inspectors or judges of said election shall make returns to the clerk of the board of supervisors of their respective counties, immediately after the same are canvassed, and the said clerks of the board of supervisors shall file the same in their offices, and forthwith transmit a certified copy thereof to the governor of the state, at Madison.

Governor, Secretary of State and Treasurer

SEC. 4. On the first Monday in August or as soon as the returns from all the counties of said circuit are received by the governor, he together with the secretary of state and treasurer, shall

proceed to canvass the same; the person having the highest number of votes cast in said circuit shall be the judge of the said sixth judicial circuit, and the governor shall transmit to the person so elected, a certificate of his election, under the seal of the state, and in case there shall be a tie, the governor shall forthwith proclaim the fact, and order a new election in said circuit. to canvass votes, &c.

SEC. 5. The judge so elect shall, before he enter upon the duties of his office take and subscribe the oath or affirmation, "I do solemnly swear (or affirm as the case may be,) that I will support the constitution of the United States and of the state of Wisconsin, that I will administer justice without respect to persons, and will faithfully and impartially discharge the duties of the office of judge of the supreme and circuit courts of the state of Wisconsin, according to the best of my ability," which said oath shall be duly certified by the officer administering the same, and by said judge filed in the office of the secretary of state. Oath of office.

SEC. 6. Said judge shall enter upon the duties of his office as soon as elected and qualified, and shall be a judge of the supreme [court] of the state of Wisconsin, shall have all the rights, privileges, powers, and jurisdiction of other judges of the supreme and circuit courts in all respects whatever, and shall perform like duties and receive like compensation, and shall hold his office for six years from the time he shall enter upon the duties of his said office, and until his successor is elected and qualified. When to enter upon his duties

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 11, 1850.

NELSON DEWEY.

An act granting to Marcus Warren and Moses S. Calkins the right to keep and maintain a ferry across the Wisconsin river. **Chap 269**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Marcus Warren and Moses S. Calkins, their heirs, executors, administrators, and assigns, shall have the exclusive right and privilege for the period of twenty years, of keeping and maintaining a ferry across the Wisconsin river on section number twelve, in town number nine, north of range number six, east, in the town of Westfield, in the county of Sauk. To keep a ferry across Wisconsin river.

SEC. 2. The said ferry shall be subject to such regulations as other ferries are or may by law be subject, and the proprietors thereof shall be entitled to receive for crossing, any vehicle drawn by one or two horses or one yoke of oxen, twenty-five cents, for each additional horse or ox, ten cents; for man and horse, twenty cents; for cattle or horses in droves, five cents each: *Provided*, hogs and sheep shall not be charged more than three cents per head, and for foot passengers ten cents each. Rates of toll.

SEC. 3. No ferry shall be licensed within one mile of the point where the ferry above provided shall be established.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 9, 1850.
NELSON DEWEY.

Chap 270

An act to permanently locate the county seat of Columbia county.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Vote to locate county seat of Columbia county.

SECTION 1. That at the annual town meeting to be held in the county of Columbia on the first Tuesday of April 1850, the people of said county shall be and hereby are authorized to vote for the permanent location of the county seat of said county at Wyocena in said county; if said Wyocena shall receive a majority of all the votes cast on that subject at such town meetings, then said Wyocena shall be and remain the county seat of said county.

SEC. 2. If said Wyocena shall not receive a majority of the votes at such town meetings, then it shall be lawful for the people of said Columbia county to vote at the annual election, to be holden in November next, for the location of the county seat of said county at Fort Winnebago in said county, and if said Fort Winnebago shall receive a majority of all the votes cast on that subject, at such election, then said Fort Winnebago shall be and remain the county seat of said Columbia county.

Who entitled to vote.

SEC. 3. All white male persons of the age of twenty-one years and upwards, who shall have resided in said county of Columbia for ten days preceeding either of said elections herein provided for, with the bona fide intention of remaining therein, shall be entitled to vote on the subject of locating the county seat of said county.

SEC. 4. The votes cast on said subject shall be returned and canvassed in the same manner as votes cast at a general election and returned and canvassed.

To vote by ballot.

SEC. 5. The votes shall be cast by ballot. At the town meetings above mentioned, the ballots shall have written or printed on them the words "For Wyocena," or "Against Wyocena," at the election in November next, the ballots shall have written or printed on them "For Fort Winnebago," or "Against Fort Winnebago."

Proprietors of village to build county buildings.

SEC. 6. The proprietors of the village where the said county seat may be located, shall make to the county a warrantee deed of land sufficient to build all county buildings on and suitable for the same, to be selected by the board of supervisors of said county.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

An act to incorporate the Globe Insurance Company in the village of Southport **Chap 271**

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Persons being stockholders declared body corporate, &c.

Section 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be, and are hereby constituted and made a body politic and corporate, by the name and style of the Globe Insurance Company, and the office of said company shall be at Southport in the county of Racine in this state.

Limit to capital stock, &c.

Sec. 2. The capital stock of said company shall not exceed three hundred thousand dollars, and shall be divided into shares of fifty dollars each, and there shall be paid into the treasury of said corporation by each subscriber to the capital stock, at the time of subscription, an instalment of five per cent. on the stock by him subscribed, the remainder to be paid or amply secured to be paid, on real estate or other securities as the commissioners hereinafter named shall deem sufficient, and until two thousand shares of said stock is subscribed for and paid, or secured to be paid as aforesaid, said company shall not commence business.

Affairs of corporation to be managed by directors.

Sec. 3. The stock, property, and affairs of said corporation shall be managed and conducted by fifteen directors, who shall divide themselves into three classes. The term of the first class shall expire on the first Monday of February succeeding their election, or as soon thereafter as others are elected in their stead, the term of the following classes shall expire successively on the first Monday of February of the following year, or as soon thereafter as others are elected in their stead; the annual election for five directors shall be held on the first Monday of February in each year, at such time and place in Southport as a majority of directors shall appoint, of which notice shall be given in some public newspaper published and circulating in the county of Racine, at least ten days previous to said election, said election shall be held under the direction of three stockholders appointed by the directors, and directors shall be elected by a plurality of the votes of the stockholders and their proxies, allowing one vote for every share of stock.

Election of directors.

Directors to choose president, &c.

Sec. 4. It shall be the duty of the directors on organizing the company, and annually thereafter, to choose out of their number a president, and they may also elect in the same manner a vice president, and the vice president shall perform the duties of the president in case of his death, absence, or inability to act.

Commissioners to receive subscriptions, &c.

Sec. 5. Champion I. Hutchenson, Sereno Fisk, George C. Many, Theadore Newell, and David Crosit shall be commissioners to receive subscriptions to the capital stock of said company, and when said stock shall be subscribed and paid, or secured to be paid as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders by an advertisement published at least ten days previously in some newspaper published in the county of Racine, stating the time and place at which such meeting of the stockholders shall be held, and shall by ballot elect the first directors of said company; said commissioners

shall act as inspectors of said election, and if there shall be any deaths [or] resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancies so occasioned.

Powers of company.

SEC. 6. The said company shall have power to make insurance upon vessels, freights, goods, wares, and merchandize, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation, also upon dwelling houses, stores, and all kinds of buildings, household furniture, and other property against loss or damage by fire, and also all and every insurance appertaining to or connected with life insurance, and to cause themselves to be insured when deemed expedient.

Policies, contracts &c. how made.

SEC. 7. All polices of insurance or other contracts authorized by this act which shall be made and entered into by this corporation, may be with or without seal thereof, and shall be subscribed by the president or vice president and attested by the secretary, and being so signed, executed, and attested shall be binding, and obligatory upon said corporation.

Company may take mortgages on real estate as security, &c.

SEC. 8. It shall and may be lawful for the said company to take and hold any real estate or securities mortgaged or pledged to the said company to secure the payment of any debt which may be contracted with the said company, and to foreclose the same, and to purchase on sales made by virtue of any judgment at law or by any order or decree of any court of equity or any other legal proceedings, or otherwise to receive and take any real or personal estate in payment, or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell and convert the same into money, or other personal property, and also to invest the capital stock or so much of the surplus profits of the said company as they may deem fit in such manner as the directors shall decide, and call in and re-invest the same so often as it shall be deemed necessary for the interest of the said company.

Capital stock transferable.

SEC. 9. The capital stock of said corporation shall be transferable according to the rules and regulations prescribed by the directors, and every subscriber of any share or shares of said stock, who shall neglect to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said corporation, and all payments made thereon, and all profits that may have arisen thereon.

How and what dividends to be made.

SEC. 10. It shall and may be lawful for the directors of said company to make a dividend of so much of the profits of the said company as shall appear advisable, but the dividend shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unpaid and if the said directors shall at any time knowingly make a dividend of the capital aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them or any of them, in any court of record in this state by any creditor of said company, and each director present when

such dividend shall be declared, shall be adjudged consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of the company, and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest within ten days thereafter in a newspaper published and circulating in the county of Racine.

SEC. 11. Nothing contained in this act shall be construed to authorize the business of banking.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to amend an act entitled "an act to incorporate the Merchants Mutual Insurance company." **Chap 272**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Merchants Mutual Insurance Company may receive notes for premuims in advance, as provided in the eleventh section of the act to which this act is amendatory: *Provided,* That the amount of such notes so received, together with the nett amount of earned premiums of the said company, over and above all debts and losses, shall not exceed the sum of two hundred thousand dollars; the trustees may at their discretion however, at the time of making up the annual statements of said company, reduce the amount of said notes, so that the amount of such notes retained and earned premiums shall not exceed the sum of one hundred thousand dollars; and the said trustees shall have power at any time, when in their discretion they see fit to surrender any such advance note, by paying the proper rate of interest thereon, to the time of such surrender: *Provided,* That not less than the amount of one hundred thousand dollars be maintained in manner aforesaid, and the makers of any such notes remaining on hand and unpaid at the time of any loss or losses over and above the other resources of the said company, shall be liable to pay the amount of such notes, or so much pro-rata thereon as may be necessary to pay such loss or losses, and the amount so paid on such notes over and above the amount due for premiums on insurance already had may be re-imbursed out of the future earnings of the company.

May resume premium notes.

Amount limited.

Proviso.

SEC. 2. The said company shall have power in their discretion to make any and all insurances which by law they are or may hereafter be authorized to make to any person or persons with whom they may agree to that effect for a specific premium or rate of premium, without giving to the insured any interest in the profits, premiums, or earnings of the said company, in the same manner as insurance companies other than mutual insurance compa-

Company may make insurances, &c.

nies are accustomed to do; and in all such cases the said company may issue special policies of such insurance in the usual forms, issued by insurance companies other than mutual insurance companies; and in all such cases the insured shall not become members of the said company, nor be in any wise entitled to any share of the profits, premiums, or earnings, nor in any wise liable for the losses, debts, or liabilities of the said company; and all premiums received for such insurance shall be passed to the general credit of the said company, and all losses growing out of said special policies shall be paid in like manner as losses under the ordinary policies of the company. All stockholders or persons having notes in said company, shall be liable to any person or persons receiving special insurances as provided in this section in the same manner as in the original charter.

Company to report to legislature.

SEC. 3. The directors of said company shall lay before the legislature of the state of Wisconsin on the first Monday of their annual session in each year, a general statement, showing the number and kind of policies issued, the amount of premiums or insurances received during the year, also a general statement of the amount of premium notes on hand, and against whom; also, what notes have been surrendered and cancelled, and such other facts as shall exhibit the autual situation and condition of said company in all respects.

SEC. 4. The act incorporating the said company and the several acts amendatory of the same, shall continue in force until amended altered or repealed by the legislature of Wisconsin.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,
Approved, February 9, 1850.
NELSON DEWEY.

Chap 273 An act to authorize the clerks of the boards of supervisors and clerks of the boards of county commissioners to call to their aid a board of canvassers to canvass the votes cast for county officers in the several counties on the sixth day of November, A. D. 1849.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Board of canvassers may be called.

SECTION 1. The clerks of the several boards of county supervisors and the clerks of the several boards of county commissioners, in all those counties in which the votes for county officers on the sixth day of November, A. D. 1849 were not canvassed, shall and they are hereby authorized and empowered to call to their aid, two justices of the peace, who together with said clerk shall constitute a board of canvassers, in their respective counties, and said board of canvassers shall proceed without delay to canvass said votes cast for county officers.

SEC. 2. The canvass so made, and the declaration and state-

ment thereof made by the said boards of canvassers shall be deemed to possess in law the same validity, virtue, and effect, as if the said votes had been canvassed at the time prescribed by law. Report of canvassers deemed valid.

Sec. 3. The persons receiving a majority of the votes cast shall be entitled to a certificate of their election, and shall within twenty days after the said canvass be entitled to take the oath of office, and give the official bond as is required by law, and may enter upon the discharge of their duties the same as though the canvass had taken place as required by the election law. Persons having a majority enter upon duties of office, &c.

Sec. 4. The secretary of state shall cause this law to be published immediately after its approval by the governor.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act granting to James B. Miller the right to keep and maintain a ferry across the Wisconsin river at Dekora in the county of Columbia. Chap 274

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That James B. Miller of Dekora, his heirs, executors, administrators, and assigns, shall have the exclusive right to keep and maintain a ferry across the Wisconsin river, for the period of ten years from and after the passage of this act, at Dekora, in the county of Columbia, upon and from such points on sections numbered five, (5,) and six, (6,) in town eleven, range nine, east, as the said James B. Miller shall deem expedient and convenient. Authorized to keep ferry.

Sec. 2. Said ferry shall be subject to the same rules and regulations as to the rates of toll and manner of conducting the same, as ferries now are or may hereafter be by general law of this state regulating ferries generally. Rates of toll.

Sec. 3. That the said James B. Miller shall be required to keep and maintain at all times a ferry, adapted to the wants of the public.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 11, 1850.
NELSON DEWEY,

laws now in force prescribing the mode of proceeding in such cases before said police justice, shall be applicable to and control the proceedings in criminal cases before the said justice of the said fifth ward when exercising criminal jurisdiction therein. This act to take effect from and after its publication.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 279 An act to provide for the laying out of [a] state road therein named.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed. SECTION 1. Abraham Brawley, John Strong and George Moore are hereby appointed commissioners to lay out a state road from Shaurette in Portage county to Green Bay in Brown county to be a public highway for the use of the state: *Provided*, That no part of the expenses of laying out or surveying said road shall be paid out of the state treasury.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 9, 1850.
NELSON DEWEY.

Chap 280 An act to authorize the levy of a special tax in the third ward of the city of Milwaukee.

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

May levy special tax SECTION 1. That the aldermen of the third ward of the city of Milwaukee, be, and are hereby authorized to levy and collect a special tax on city lots lying in the marsh south of Washington avenue, and east of East Water street, in said ward; said tax to be applied to grading, filling or constructing new streets in said ward in front of said lots: *Provided*, That the special tax so to be levied and collected shall not exceed three-fourths of the cost of (the) grading, filling or constructing of said streets, and that the said tax shall be apportioned upon said lots according to their respective fronts on said streets.

How expenses paid. SEC. 2. Streets or part of streets that are now filled or that may hereafter be filled, agreeable to the provisions of the preceding section, shall be graded, gravelled and paved at the expense of the ward, the same as other streets are now done.

Act repealed. SEC. 3. Section one of an act entitled an act relating to certain

streets in the city of Milwaukee and all other acts that contravene the provisions of this act are hereby repealed.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to appropriate to James Morrison the sum therein named. Chap 281

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to James Morrison out of any money in the treasury not otherwise appropriated the sum of thirty dollars for one large walnut book case furnished the office of the superintendent of public instruction. J. Morrison.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

An act to provide for the safe keeping and maintainance of state prisoners. Chap 282

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor, treasurer and secretary of state, are hereby constituted a board of commissioners to lease a temporary states prison, in which to place all the state prisoners that now are, or that hereafter may be convicted of any offence, the punishment of which is confinement in the state prison, until a proper state prison shall be erected in this state. Commissioners to, lease a temporary place for state prisoners.

SEC. 2. As soon as the said commissioners are ready to have the state prisoners removed to said penitentiary, the governor shall issue his proclamation to all sheriffs, jailors, and other officers having custody of any state prisoners, forthwith to convey them to the said penitentiary and deliver them up to the person, or persons, authorized to receive and take charge of said prisoners, and the said officers are hereby required forthwith to convey any prisoners in their custody to said prison and deliver them up forthwith. How prisoners to be removed, &c.

SEC. 3. The said board shall, as soon as they may find it necessary, appoint a suitable and competent person as warden of said penitentiary, who shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the state of Wisconsin and faithfully to discharge the duties of warden of the penitentiary; and he shall also execute a bond in Board to appoint warden.

the amount required by the said commissioners, with three or more securities, to be approved of by said commissioners, for the faithful performance of all the duties required of him by law, which said oath and bond shall be filed in the office of the secretary of state.

Commissioners to direct manner of employing prisoners.

SEC. 4. The said commissioners shall prescribe and direct in what manner the said persons shall be kept, and worked in said penitentiary, or they may be worked outside of said prison in the day time, in such manner and under such regulations as the commissioners may direct, and they shall also provide for the proper sustenance of said prisoners.

Appropriation.

SEC. 5. The said board shall have, and there is hereby appropriated to them out of any money in the treasury, the sum of three thousand dollars as a contingent fund for the purpose of paying the expense of transportating said prisoners to said prison, and to pay for the sustenance and clothing said prisoners.

Compensation

SEC. 6. Said commissioners and warden, shall each receive for their services such sum as the legislature may hereafter direct.

To report.

SEC. 7. Said commissioners shall report to each annual session of the legislature, all their doings in relation to their several duties, as above provided.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 9, 1850.
NELSON DEWEY.

Chap 283

An act to amend an act entitled "an act to provide for the improvement of the Fox and Wisconsin rivers and connecting the same by a canal."

THE People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

May consider bills for water powers.

SECTION 1. The Board of Public Works are hereby authorized and empowered in any future lettings of contracts for the improvement of the Fox and Wisconsin rivers to consider bids made by any person or persons, for improvemants which will create a water power, and when such person or persons offer to perform, or perform and maintain the work in consideration of the granting by the state to him or them, his or their assigns, forever, the whole or a part of such water power: *Provided*, That before such bid is accepted and the contracts entered into, it shall receive the approval of the governor.

Proviso.

Rights conferred when bids accepted.

SEC. 2. Should such bids be accepted, and such approval be given, the Board of Works shall on the delivery of the works to the state, in accordance with the contract relinquish to such person or persons, his or their heirs or assigns, all such water to his or their exclusive right and use forever, and should the contract provide for the maintaining of such improvements, such person or persons shall before entering into the possession of such water

give good and sufficient security for the fulfilment of the contract: *Provided*, That such water shall be used so as not to interfere with, hinder, or obstruct the navigation of said river. Proviso.

SEC. 3. When lettings have been made for the improvement of said rivers, whereby a water power is created, the Board of Works may relinquish to the person or persons who have performed the same, all or a part of such power as a consideration in full or in part for such performance or maintenance of such improvement, or for both: *Provided*, That such relinquishment shall also receive the approval of the governor and be made after receiving security as provided in section two. Board to relinquish, &c.

SEC. 4. So much of the Revised Statutes as conflict with this act is hereby repealed.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL
Lt. Governor, and Pres't of the Senate.

Approved February 9, 1850.
NELSON DEWEY,

An act to restrain dogs while running at large. Chap 284

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person may kill any dog or dogs that may suddenly assault him while he is peaceably walking or riding, any where out of the enclosure of the owner or keeper of such dog, and any person may kill any dog that shall be found out of the enclosure or immediate care of the owner or keeper, worrying, wounding or killing any sheep or lambs. May kill dogs.

SEC. 2. Any person injured by any dog in the manner set forth in this act, may give notice to the owner or keeper of the act done, and if after such notice such dog shall worry, wound or kill any neat cattle, sheep or lambs, or do any other mischief or injury, the owner or keeper shall be liable to pay to the person injured thereby treble damages, to be recovered with costs by action of debt. Penalty for injury.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

RESOLVES

PASSED BY THE

LEGISLATIVE ASSEMBLY.

Resolutions relative to certain moneys due from the United States to the State of Wisconsin. **Chap. 1.**

Resolved by the Senate and Assembly of the State of Wisconsin, That the governor of this state is hereby authorized to apply for and receive from the Treasury Department of the United States, the amount due this state from the United States, on account of bonds and scrip which were authorized by the act of congress of August, 1842, to be paid by the United States, which have been paid out of the territorial treasury and cancelled by the legislature.

Resolved, That for the purpose of carrying out the foregoing resolution, the governor is hereby authorized to appoint any one of the representatives of this state, in congress, to prosecute the foregoing claim of this state against the United States, to final adjustment, and it is hereby made the duty of the governor, upon the receipt of any money from the United States by virtue of these resolutions, to pay the same to the state treasurer.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate,

Adopted, January 29, 1850.

NELSON DEWEY.

Joint Resolution relative to a survey of the Upper Wisconsin river. **Chap. 2.**

Resolved by the Senate and Assembly of the State of Wisconsin, That the engineer on the improvement of the Fox and Wisconsin rivers, be, and he is hereby directed, previous to the next session of the legislature, to make a survey of the several rapids in the Wisconsin river, between Point Bassee and the "Beaulieux Rapids," and to make and submit to the legislature at its next session a plan and estimate for the improvement of said rapids, upon the best plan for the downward navigation of said

MEMORIALS

PASSED BY THE

LEGISLATIVE ASSEMBLY.

A Memorial to the Post Master General of the United States in relation to extending a mail route and increasing the service of the same. **Chap. 1.**

THE People of the State of Wisconsin represented in Senate and Assembly,

The memorial of the legislature of the state of Wisconsin respectfully represents, that it would materially benefit the rapidly increasing population of Portage county, by increasing the service of the southern mail from Winnebago Portage, in Columbia county, to Plover in Portage county, to a weekly mail, and by extending said mail to Wausau in said Portage county, a distance of forty miles. Your memorialists would therefore urge the necessity of immediately establishing a weekly mail from Winnebago Portage, in Columbia county, via. Grand Rapids, Plover, Stevens Point, Little Bull Falls, to Wausau, in said Portage county.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, January 29, 1850.
NELSON DEWEY.

A Memorial to the Congress of the United States in relation to the establishment of a mail route. **Chap. 2.**

THE People of the State of Wisconsin represented in Senate and Assembly.

The memorial of the legislature of the state of Wisconsin respectfully represents: That the county of Richland, containing a population of not less than one thousand persons, has not within its limits a mail route, nor post office: That the population of said county is rapidly increasing, and that the citizens suffer great inconvenience and loss in going many miles to another county for mail matter. Your memorialists would also urge upon your honorable body the necessity of immediately establishing a mail route from Muscoda in Grant county via. Richmond, Ash Creek, Wil-

low river and Richland city, in Richland county, and Honey creek in Sauk county, to Sauk village and Adams the county seat of said Sauk county, and Allens Point at the Narrows of the Dells, the whole distance not exceeding seventy-five miles.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 29, 1850.
NELSON DEWEY.

Chap. 3. A Memorial to Congress asking for a survey of the Menominee purchase and for the right of pre-emption to settlers.

To the Honorable the Senate and House of Representatives of the United States:

A memorial of the Senate and Assembly of the State of Wisconsin, respectfully represent:

That since the late treaty on the part of the general government with the Menominee Indians for that portion of country lying north of the Fox river, and on the east and west sides of the Wisconsin river, the settlement upon said tract has been almost without precedence, particularly on that portion adjacent to the Fox and Wisconsin improvement; and your memorialists, for the convenience of the people residing within the limits referred to, and for the prosperity of northern Wisconsin, are desirous that the United States survey of that tract should be made at as early a day as practicable, with the view that the settler may come into the quiet and peaceable possession of his home and improvements, and to prevent the strife and contention that must necessarily grow out of delays in the accomplishment of this important work; and your memorialists, would further urge as a reason why early action should be had upon this subject, is to expedite the improvement of the Fox and Wisconsin rivers by a selection and sale of the odd numbered sections along the north line of said improvements, agreeably with the terms of the donation of lands made by congress in the year 1846, for the furtherance of that object; and your memorialists would further represent, that the fostering care which the general government has so liberally and so promptly extended to all those who have led the way into the unsettled portions of our western country should be proffered at this time to settlers upon said tract, and that they should have the benefit of the right of pre-emption, as well upon the unsurveyed, as upon the surveyed land not in market.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 29, 1850.
NELSON DEWEY.

A Memorial asking for an appropriation of land to aid in the construction of a Rail Road from Milwaukee to the Mississippi river. **Chap. 4.**

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Senate and Assembly of the State of Wisconsin most respectfully represent: That the interests of the state of Wisconsin require the construction of a rail road from the city of Milwaukee to the Mississippi river, and that the construction of such a road would be of great utility to the government of the United States: They do, therefore, most respectfully ask that a quantity of land, sufficient to construct said road, or at least to aid therein, be granted to the state of Wisconsin by appropriation, to aid in the construction of a rail road from the Mississippi river to the city of Milwaukee.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, January 29, 1850.
NELSON DEWEY.

A Memorial to Congress in relation to an appropriation for a harbor at Port Washington. **Chap. 5.**

The Memorial of the Legislature of the State of Wisconsin respecefully sheweth:

That the large and rapidly increasing population of the county of Washington, lying directly upon the western shore of Lake Michigan, and of the counties of Dodge, and Columbia, situated in the interior of the state, is now entirely dependent for harbor facilities upon the harbors at Milwaukee and Green Bay. That the entire lake coast north of Milwaukee is now without a harbor of any kind, and that the agricultural and commercial interests of this large extent of country imperiously demand the construction of safe and commodious harbor at the town of Port Washington the natural commercial point upon which a large extent of country is dependent.

Your memorialists would therefore pray your honorable body to make an immediate appropriation for a harbor at Port Washington.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,

Approved, February 1, 1850.
NELSON DEWEY.

Chap. 6. A Memorial to Congress asking for an appropriation for the improvement of the harbor at the mouth of the Manitowoc river on lake Michigan.

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

The Senate and Assembly of the State of Wisconsin most respectfully represent: That the best interests of the commerce of the great lakes, and of the people of a large portion of the state of Wisconsin, require an appropriation for the improvement of the harbor at the mouth of the Manitowoc river, and that said improvement would be of great public utility: They do therefore most respectfully ask that an appropriation of a sufficient sum to improve said harbor, or at least to aid in the same, be granted by congress at its present session, and will ever pray.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 1, 1850.
NELSON DEWEY.

Chap. 7. A Memorial to the Congress of the United States in relation to certain mail routes.

The memorial of the legislature of the state of Wisconsin respectfully represents: That the interest of the citizens of Walworth, Rock, Jefferson, and Dane counties, residing on the route between Whitewater and Madison, (the capitol of the state,) would be greatly promoted by a continuation of the tri-weekly mail route already established from Milwaukee to Whitewater.

Your memorialists ask that said route may be continued from Whitewater to Fort Atkinson, thence by Oakland post office to Cambridge in Dane county, thence by Door Creek post office and Cottage Grove, to Madison. Such route in the opinion of your memorialists would not become a charge upon the department, but instead thereof a source of revenue, the distance being about forty-one miles.

Your memorialists further represent, that the interests of the country require the establishment of a mail route from Mukwanago in the county of Waukesha, by Troy Lake, Troy Centre, Adams, and Round Prairie to Whitewater in the county of Walworth. They therefore respectfully pray that said route may be established by law, and a mail carried on said route twice per week, and as in duty bound your memorialists will ever pray.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate,

Approved, February 4, 1850.
NELSON DEWEY.

A Memorial to the Congress of the United States in relation to the establishment of a mail route. Chap. 8.

THE People of the State of Wisconsin represented in Senate and Assembly:

The memorial of the legislature of the state of Wisconsin respectfully sheweth: That there is no direct mail communication from the village of Waukesha, Waukesha county, by which the people of the northern part of the county, and the adjoining county of Washington on the north, can receive advantage except by the way of Milwaukee, by which mail matter is delayed from one to two weeks in reaching a distance of a dozen or two miles from the village of Waukesha.

Your memorialists, therefore, urge upon your honorable body the necessity of establishing a mail route from Waukesha village to West Bend, Washington county, north by the way of the east line of the town of Lisbon, Waukesha county, on the present road from Waukesha to the village of West Bend in Washington county, distance not over thirty-five miles.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 5, 1850.
NELSON DEWEY.

Memorial to Congress on the subject of a light house and harbor improvements at Port Uloa. Chap. 9.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Senate and Assembly of the State of Wisconsin in Legislature assembled, respectfully sheweth:

That Port Uloa is situated on the western shore of Lake Michigan, twenty-five miles north of Milwaukee in the county of Washton: That it has a population of two hundred inhabitants, and that its commerce is fast increasing: That within a distance of four miles inland there are four villages, with a population in the aggregate of fifteen hundred inhabitants, and that in the vicinity of those inland villages there is water power sufficient to propel one hundred run of stone, which water power is partially improved.

Your memorialists further state that good roads are now being made from Port Uloa through the county of Washington into the counties of Dodge and Fond du Lac, thereby making Port Uloa the nearest eligible point upon Lake Michigan for the exportation of the iron manufactured in the counties of Dodge and Washington, and also for the exportation of the produce from a large part of the counties of Dodge, Washington, Fond du Lac, Marquette, and Columbia.

Your memorialists therefore request your honorable bodies to

appropriate a sufficient sum to build a light house and improve the harbor at Port Ulca.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 5, 1850.
NELSON DEWEY.

Chap. 10. Memorial to Congress for an appropriation for a harbor at Twin Rivers on Lake Michigan.

The memorial of the Senate and Assembly of the State of Wisconsin to the Congress of the United States, respectfully represents:

That for a distance of over 200 miles on the western shore of Lake Michigan, between the port of Green Bay and that of Milwaukee, there is no harbor which affords protection and shelter to the numerous vessels plying on the waters of Lake Michigan, and engaged in the transportation of produce, merchandize, &c., between the State of Wisconsin and the different eastern States; and that in consequence of the want of a safe and convenient harbor on the portion of the coast on Lake Michigan, above referred to, vessels and the lives of their crews, and the immense amount of property entrusted to their care, are subject to continual danger, and placed in jeopardy.

During the heavy gales, which are of frequent occurrence on Lake Michigan, vessels exposed to the fury of such gales, on such part of said coast, are forced to the disagreable alternative, either of running into the distant port of Milwaukee, of seeking shelter among the archipelago at the northern extremity of Lake Michigan or of weathering out the storm and thereby running the risk of shipwreck.

A large number of vessels and steamers are engaged in the important and daily increasing commerce of the north-eastern portion of our State, comprising the counties of Brown and Manitowoc, and we rely upon the fostering care of the General Government for the better security and further advancement of our marine and commercial interests.

The most suitable point for the location of a harbor on that part of the coast above referred to, is admitted by all whose opinion and judgment with regard to nautical matters, can be relied on and are entitled to respect and consideration, to be at the mouth of "Twin Rivers," where a flourishing commercial town has sprung up within the past four years; at the mouth of said rivers there is at the present time a good natural harbor which admits of the entrance of vessels of a small draft of water during a large portion of the season, when the navigation of the Lake is open. Its advantages are such that it can be improved, (considering the importance of the work) at comparatively a very small cost; building

materials of every discription are close at hand, and easily and cheaply obtained.

Your memorialists, therefore, for the reasons above set forth, respectfully ask of your honorable body, during its present session, an appropriation for the construction of a harbor at the mouth of the Twin Rivers on Lake Michigan, and your memorialists will &c.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February. 7, 1850.
NELSON DEWEY.

Memorial to Congress for an appropriation of land to aid in the construction of a plank road. **Chap. 11.**

The memorial of the Senate and Assembly of the State of Wisconsin, respectfully represents:

That extensive tracts of fertile land between the town of Manitowoc in Manitowoc county, and the town of Neenah in Winnebago county, lie unproductive and unclaimed, in consequence of the want of good and sufficient facilities of communication which retards the settlement and impairs the value of said lands.

Your memorialists therefore deem it advisable that a good and permanent plank road communication be opened between these two points, which would increase the value of said lands, cause the country now almost a wilderness, to be rapidly settled and materially assist in developing the resources of this interesting portion of our state, and as the means of the citizens of said counties for the construction of such a road are limited, and entirely inadequate for the successful completion of such an enterprise.

Your memorialists would therefore ask of your honorable body, a suitable appropriation of land lying in the counties aforesaid, for the survey and speedy construction of said road, and your memorialists, &c.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 7, 1850.
NELSON DEWEY.

A memorial to the Congress of the United States in relation to a mail route. **Chap. 12.**

THE People of the State of Wisconsin represented in Senate and Assembly.

The memorial of the legislature of the State of Wisconsin respectfully represents:

Chap. 15. A memorial to Congress in relation to increasing the service on mail route No 4480 running from Milwaukee to Fort Winnebago.

THE People of the State of Wisconsin represented in Senate and Assembly.

The memorial of the legislature of Wisconsin respectfully represents:

That said mail route No. 4480, passes through the counties of Milwaukee, Waukesha, Washington, Dodge and Columbia and accommodates the offices of Dallas, Marcy, Lisbon, Merton, Monchess, Toland's Prairie, Cherry Hill Neosho, Hustisford, Dodge Centre, Oak Grove, Lowell Columbus, Wyocena, Otsego, Pardeeville and Fort Winnebago; that the country through which said route passes, and also that contiguous to it is thickly settled with an intelligent class of inhabitants and that there are several flourishing villages now rapidly growing up at different points thereon. Your memorialists are now satisfied that the service on the said route being but once a week is not adequate to the wants of the rapidly increasing business of those towns and villages it is supposed to accommodate, and therefore would pray your honorable body to increase the service on said route No. 4480 to three times a week, and your memorialists will ever pray, &c.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

Chap. 16. A memorial to Congress of the United States in relation to the navigation of the River St. Lawrence.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the section of country, tributary to, and dependent upon the commerce of the valley of the north-western lakes, and within the United States, is in extent of coast about three thousand miles; that there is about two hundred and eighty thousand square miles of territory, and one hundred and eighty million acres of land, and a population of about four and a half millions of people, the commerce of which, for the year 1848, will be found in an able report from the Topographical Bureau, carefully prepared by a very competent person, familiar with, and residing in its midst, and which will be laid before your honorable body by that department at its present session, and amounting to hundreds of millions of dollars.

That this immense trade has hitherto been, from necessity, forced to market through the Erie Canal, four feet in depth, and forty feet in width, a distance of about three hundred and sixty

miles, and involving more or less transhipments, both prejudicial to its condition and expense of transit.

That the value of western productions has been greatly reduced to the grower, and that of foreign greatly increased to the western consumer, by reason of the inadequate means of transit between the agricultural producers of the west and the manufacturing producers of the east; that during the last five years, at times, this canal has been so overtaxed with business, that the expense of transporting grain through it has entirely absorbed the whole value of the article in the ultimate market, and brought bankruptcy and ruin upon the shipper. It must be manifest to your honorable body, that the rapidly increasing trade between the west and east must have additional facilities for transit, or the productions of this vast valley must be checked so as to keep them within the means of transit now enjoyed. The inadequacy of the canal for the passage of so vast a business, creates enormous fluctuations in price of freights through it, thus creating uncertainty, and rendering the produce trade between the west and east exceedingly hazardous and often ruinous to those engaged in it.

As a remedy for the great and growing difficulty, your memorialist beg leave to call the attention of your honorable body to the river St. Lawrence. This great and natural outlet of the lakes seems designed, by Providence, as the great commercial channel by which the immense commerce of the lakes should find its way to the Atlantic ocean and the world. This natural communication, which would have been of vast value to the commerce of the lakes, had it been enjoyed, has thus far been entirely unavailable to the west; and it must remain so against its rapidly increasing necessities, without the action of your honorable body in the premises. That there is now on these lakes, not far from eight million dollars worth of shipping owned here and in commission. That the distance traversed by lake vessels is about fifteen hundred miles, viz: from Chicago and the western ports on Lake Michigan, to Ogdensburgh, but there is no direct trade between these distant points, for want of an opening to the ocean, eastward of Ogdensburgh. By far the largest amount of western produce finds its terminus at Buffalo, which is only about one thousand miles from the western shore of Lake Michigan, the extreme west. The average of distance that the lake shipping have to carry the productions of the country, does not exceed four hundred miles.

At least one fourth part of the shipping above referred to, is well adapted to the ocean and coasting trade upon it, and with the right to navigate the river St. Lawrence, western shipping may increase the distance of its own freighting to the ultimate market, whether in this, or foreign countries.

The navigable season of these lakes averages about seven months out of twelve, the balance being ice bound. With the use of the St. Lawrence, two million dollars worth of shipping may be employed on the ocean, these five months, carrying our productions to foreign markets or our own Atlantic cities, greatly

to the advantage, not only of ship owners, but to producers and consumers, as it will cheapen transportation as much as it increases the shipping ability, which will be five-twelfths of present means.

Your honorable body will observe, that what your memorialist call the valley of the lakes, embraces almost the entire wheat growing section of this country, and a respectable portion of the corn, pork and beef productions, the transportation of which would be essentially cheapened by the use of the channel which would ennure to the same extent to the producer or consumer, and tend greatly to encourage and increase this species of trade; but especially would the wheat producer be benefitted by the constant enjoyment of a foreign market. With the use of the St. Lawrence, wheat from the lakes can successfully compete in the English market with the Black sea. Cleveland, Ohio, is more than a thousand miles nearer Liverpool than Odessa, the principal wheat mart on the Black sea, and even Chicago, Illinois, is nearer, and Illinois and Wisconsin wheat may go to Liverpool and sell against Black sea wheat. Freighting via. the St. Lawrence can be done as cheap from Illinois to Liverpool, as from Odessa.—Hitherto and hereafter, under present embarrassments, the American wheat grower must patiently wait the exhaustion of the Black sea surplus, before he can enter the English market, and simply because an extravagant canal toll, freight and commissions, lie between the grower and the market. Open the channel, so that the same vessel that loads her cargo at Chicago, Milwaukee, Detroit or Cleveland, can proceed without breaking bulk, to Liverpool, and no wheat growing country in the world can drive lake wheat out of the English market, as your memorialist fully believe.

The advantages of this navigation to this valley are altogether too numerous to present in a memorial like this, and your memorialist will content themselves by saying that in the opinion of this legislature, no public measure could be desired that would so invigorate business, give confidence and energy to both agriculture and commerce, and enhance the value of property and labor, and increase the productions of the country, as the one herein suggested. Your memorialist, therefore, ask your honorable body, at the earlist practicable period, to take measures to procure the right of navigating the river St. Lawrence to the shipping of these lakes.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 8, 1850.
NELSON DEWEY.

A memorial to Congress asking their early attention to the subject of granting bounty lands to the officers and soldiers of the war of 1812. **Chap. 17.**

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The senate and assembly of the state of Wisconsin most respectfully solicit the passage of a law at your present session, granting bounty lands to the officers and soldiers who faithfully rendered essential service to the country during the war with Great Britain in the year A. D. 1812, which we deem only justice to so worthy a portion of our fellow citizens.

MOSES M. STRONG,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8, 1850.
NELSON DEWEY.

A memorial to the Congress of the United States, in relation to the formation of a Western Judicial District of the Circuit Court of the United States, in the State of Wisconsin. **Chap. 18.**

The memorial of the Legislature of the State of Wisconsin respectfully repeesents:

That the daily increasing population of the state of Wisconsin, and the consequent augmentation of productive labor, commercial business, trade and political intercourse of the whole state, has rendered the establishing of a Western Judicial District of the United States Circuit Court, necessary to the exigencies and demands of the people.

That the location of the District Court of the United States for the State of Wisconsin, being at Milwaukee, on the extreme eastern part of the state, and more than two hundred miles from the Mississippi, on the extreme western part of the state, renders the attendance of parties, jurors and witnesses, at such court, coming from the western portion of the district, in a degree burthensome, very expensive, and at times and in instances, oppressive.

We, therefore, respectfully ask your honorable bodies that a law may be passed authorizing the erection of a Western Judicial District of the Circuit Court of the United States for the state of Wisconsin, to be composed of such selection of counties as by a line as nearly central in the state as possible, as may be deemed expedient.

MOSES M. STRONG,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 9, 1850.
NELSON DEWEY.

STATE OF WISCONSIN.

SECRETARY'S OFFICE,
Madison, April 10, 1850.

I **hereby certify** that the acts, resolutions and memorials contained in this pamphlet have been compared with the originals deposited in this office, and that they appear to have been correctly printed.

L. S.

In Testimony Whereof, I have hereunto affixed the seal of the State of Wisconsin the day and year aforesaid.

WM. A. BARSTOW,
Secretary of State

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ACTS AND RESOLVES

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

1851:

TOGETHER WITH MEMORIALS TO CONGRESS.

Published by Authority.

KENOSHA:
C. LATHAM SHOLES.
1851.

GENERAL AND SPECIAL

STATUTES

OF THE

STATE OF WISCONSIN.

1851.

An Act making an appropriation for the payment of money to the Reporter of the decisions of the Supreme Court. **Chap. 1.**

THE People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Treasurer is hereby authorised to pay to Daniel H. Chandler, the Reporter of the decisions of the Supreme Court, out of any moneys in the Treasury not otherwise appropriated, the sum of six hundred dollars, in full compensation and satisfaction for two hundred volumes of the decisions of the Supreme Court, for the years one thousand eight hundred and forty-nine and one thousand eight hundred and fifty, being volumes one and two; which he has published and delivered to the State, under the provisions of the act entitled "An Act to provide for the publication of legal decisions," approved March 31st, 1849.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, January 15th, 1851.
NELSON DEWEY.

An Act to change the name of the town of Buena Vista, in St. Croix county. **Chap. 2.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the town of Buena Vista, in the county of St. Croix, shall hereafter be called and known by the name of Willow River.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 22d, 1851.
NELSON DEWEY.

Chap. 3. An Act to pay to Joseph Bowron the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to Joseph Bowron, the sum of fifty dollars, in full for expenses and services rendered in transmitting the election returns of St. Croix county to Madison, in the autumn of eighteen hundred and forty-eight.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 22d, 1851.
NELSON DEWEY.

Chap. 4. An Act to appropriate money to pay the mileage of the members of the Legislature.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Senate. SECTION 1. There is hereby appropriated, to be paid out of any money in the State Treasury not otherwise appropriated, on the warrant of the Chief Clerk of the Senate, the sum of two hundred and ninety-seven dollars and ten cents, being the amount due members of the Senate for their mileage.

Assembly. SEC. 2. There is also hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, on the warrant of the Chief Clerk of the Assembly, the sum of eleven hundred and eighty-two dollars, being the amount due members of the Assembly for their mileage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 22d, 1851.
NELSON DEWEY.

Chap. 5. An Act to extend the time for collecting and making returns of the Taxes levied in the county of Fond du Lac, for the year eighteen hundred and fifty.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Time of payment extended. SECTION 1. The time for collecting and making return of the taxes for Fond du Lac county, apportioned and levied for the year eighteen hundred and fifty, is hereby extended to the third Monday of February, eighteen hundred and fifty one; and

the time for making payment to the State Treasurer, of the amount due from Fond du Lac county to the State, for the year eighteen hundred and fifty, is hereby extended to the second Monday of March, eighteen hundred and fifty-one.

SEC. 2. The Town Treasurers of said county are hereby authorised to collect the taxes specified in the warrants delivered, or which may be delivered to them by the Town Clerks, in the same manner that they are authorised to do by the general laws on that subject; and to make return thereof on or before the third Monday of February, eighteen hundred and fifty-one. Treasurers to collect.

SEC. 3. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 22d, 1851.

An Act to authorize the assessment and collection of Taxes in the city of Milwaukee.

Chap. 6.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall and may be lawful for the common council of the city of Milwaukee to assess and levy a tax or taxes, for the several city, ward, special, and other purposes, of every kind and nature authorized by law, or the ordinances of said city, upon the real and personal property and effects by law taxable in said city, for the several city, ward, special and other purposes, sufficient in amount to pay, satisfy and discharge all demands, claims and debts, due or becoming due within the present year against said city, including also a debt against said city in a sum amounting to and equal to the interest for one year, at the rate of seven per cent. per annum upon the several sums paid into the treasury by tax payers, and by purchasers at sales for taxes heretofore assessed, for the years 1849 and 1850, and supposed to have been illegal, and also the several sums, with the same interest thereon, required by law to be raised and collected by taxation in said city, for state and county purposes, not heretofore legally assessed and collected. Taxes may be levied.

SEC. 2. The common council of said city shall, in such manner as they may think proper, select and appoint, for each and every ward in said city, three assessors, who shall reside in the ward for which they may be selected and appointed; and in case of neglect, refusal, or any inability on the part of said assessors, or either of them, to discharge the duties of the office, the common council may revoke any such appointment and appoint others in their stead. Assessors to be appointed.

Tax list when returnable.

SEC. 3. It shall be the duty of the said assessors, after having been duly qualified according to law, to make, before the first day of March next, a list of all taxable property within the ward for which they were appointed, with such a clear and definite description that the property may be known as nearly as practicable, as directed by the laws now in force for the assessment of taxes, and shall set opposite to each lot, or part of a lot, or piece of land, or other thing, article or commodity, in such list contained, the actual cash value thereof, as nearly as said assessor can determine; and said assessment roll shall be returned on or before the said first day of March next (or such other time as the Common Council may prescribe), to the clerk of said city, with an affidavit of the taxable property for the ward for which they were respectively appointed thereunto annexed.

Equalization.

SEC. 4. It shall be the duty of the Clerk of the Common Council, upon receiving the assessment roll as aforesaid, to lay the same before the Common Council for their consideration, and the said Council shall be a Board of Equalization, to consider the value of the property on the several lists of assessment, and, if deemed necessary, make such amendments, corrections and alterations as to them may seem proper, to produce equality of assessment, agreeably to the true value of property comparatively in the several wards; and after such equalization shall have been completed, rates per centum on the amount of the assessments in each ward, shall be levied as a tax, or taxes, for the several city, ward, special, and other purposes, and for the said unpaid debts of the said city, and the several wards thereof, and the said state and county taxes as aforesaid; and when the said Common Council shall have determined the rates per centum to be taxed on the assessed value of property as contained in the said assessment rolls, it shall be the duty of the Clerk, together with such assistance as the Council may select, under the direction of the Council, to make out in accordance with such determination, a schedule of all the property in each ward separately, as contained in such assessment rolls, annexing to each lot or other item of property, in separate columns, the amount of tax chargeable on the same, for the several purposes by this act authorized, which schedule shall be called the tax list, and shall be recorded by said Clerk, for each ward separately, in a book to be by him kept for that purpose; and said tax roll, in the ward thereof, shall be conclusive evidence of the amount of taxes assessed.

Clerk to prepare tax list.

Treasurer's warrant.

SEC. 5. It shall be the duty of the clerk to complete the tax lists of each ward, within such time as may be prescribed by the Common Council, and deliver the same to the Treasurer of the said city, together with a warrant of the Mayor for col-

lecting the same, and make a record of such delivery in a book, wherein such lists shall be recorded, or in the book containing the proceedings of the Common Council; which shall be conclusive evidence of such delivery; and the tax as assessed according to this act, on real estate, shall be a lien on such estate so taxed, until the same shall be paid, and satisfied, together with all costs and charges which may accrue thereon, agreeably to law.

Treasurer to give notice.

Sec. 6. Upon the receipt of the tax list by the treasurer as aforesaid, who shall be the collector for all the wards, it shall be his duty, to give notice in some newspaper printed in said city, that said tax lists have been committed to him for the purpose of collecting the taxes thereon, and that he will receive payment of taxes at his office, until the first day of May then ensuing; and said notice shall also state the time and place, when and where, he will sell all lots and lands in said list contained, upon which the taxes remain unpaid, at such time; or so much thereof, as will pay and satisfy all taxes which may be assessed thereon, together with all costs, and other liabilities which shall accrue according to law, by advertisement and sale; and said notice shall be published four successive weeks.

When abatement to be made.

Sec. 7. Any individual subject to taxation upon personal property, conceiving himself aggrieved by over assessment of the same, may, at any time before an actual demand shall be made by the Treasurer, or his deputy or deputies, for the amount of the tax levied thereon, reduce the same, by affidavit or other satisfactory evidence before the Common Council; and he may be permitted to deduct from the true valuation or assessment thereof, the sum of all just and *bona fide* debts owing by him to other persons, and shall be assessed for the balance, if any there be.

Payment how made.

Sec. 8. The Treasurer shall receive in payment of such taxes, orders upon the treasury as authorized and directed by law; to be received in payment of taxes heretofore levied and collected, and shall also credit to the several lots or pieces of land, the amounts paid as taxes upon said lots or pieces of land purporting to have been assessed for the year one thousand eight hundred and forty nine, with interest thereon, at the rate of seven per cent per annum for one year; and to each tax payer the amount he may so have paid as tax upon personal property, with a like interest; and the receipts for the payments of any such sums of money, and the certificates of the same at sales for such assessments or the record of said Treasurer of such payments and sales, shall be evidence upon which, the said credits shall be allowed.

Tax Certificates.

SEC. 9. To the purchasers, at the tax sales for the year eighteen hundred and forty nine, or their assigns, holding certificates of sale upon any lots or pieces of land sold at such sale, the Common Council (upon the surrender of such certificates) shall issue orders of the same kind, and in the same amount, (with the addition of interest thereon for one year at seven per cent,) as in the original levy and tax list for said year, may have been specified and designated. Said orders payable from, or receivable in payment of any tax levied for, the respective fund, upon which the same may be drawn.

Delinquent lands.

SEC. 10. In case the tax on any real estate in said tax list contained, shall remain unpaid according to the provisions and directions of this act, the Treasurer shall, on the first Monday of May next, commence the sale of said real estate, for the said taxes or such balance or remainder thereof, as may be so unpaid after deducting the credits directed by this act; which said balance or remainder, shall be carried into a separate column of the tax received before the said sale; and he shall continue the said sale from day to day, until so much thereof will be sold as will pay the taxes, interest and charges due, assessed and charged thereon; and the said Treasurer shall in all things do and conduct said sale, and give certificate of purchase to the purchasers thereof, in every respect, as directed by the law in making sales by the Treasurer of the city of Milwaukee, and shall be entitled to the same fees and compensation, and the real estate so sold shall be redeemed, and deed made for such real estate as may not be redeemed, in the same manner as provided by law; and the said deeds shall have the same force and effect. And the taxes on personal property shall be collected in the same manner as provided by law for the collection of said taxes in the said city, and the said Treasurer shall complete all such sales and collections before the first Monday of June next. The Treasurer shall bid in, for the city, all lots on which a bid has not been made sufficient to cover all taxes and expenses of sale, and issue a certificate of sale to the city for the same, in the same manner as to private individuals.

Personal property

City Bonds.

SEC. 11. It shall and may be lawful for the Common Council of said city, to issue city Bonds for a part of said debts of said city, if, in their opinion, the tax authorized by this act to be levied, and collected should be deemed burdensome and oppressive; said Bonds to bear interest not exceeding the rate of seven per centum per annum, and shall be payable in one year hereafter, and shall be paid out of the first tax levied and collected in said city.

Treasurer's duties.

SEC. 12. The present Treasurer of the city, or in case of his refusal, or neglect or inability to discharge the duties of his

said office, such other person as the Common Council may appoint, or as shall have been duly elected to said office, shall perform all the acts and duties required to be done by the Treasurer, as specified in this act.

SEC. 13. It shall be the duty of the Secretary of State immediately upon the passage of this act, to cause the same to be published by the public printer in a newspaper published at Madison, and the same shall be in force from and after such publication.

FREDERICK W. HORN,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 24th, 1851.
NELSON DEWEY.

An Act to appropriate a certain sum of money to the persons therein named. **Chap. 7.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to Moody Mann, Jesse Mills, Jacob Horn and Albert Holt, twenty-five dollars each, in full for travelling fees and attendance as witnesses, in the case of the contested seats of D. C. Wood and William H. Dick.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, January 24th, 1851.
NELSON DEWEY.

An Act authorising the collection of delinquent taxes in the county of Fond du Lac. **Chap. 8.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The Town Clerk of the town of Calumet in the county of Fond du Lac, shall immediately upon the passage of this act, assess upon the property of said town, on the basis of the assessment roll of the year eighteen hundred and fifty, a tax of four hundred and forty-nine dollars and fifteen cents; and shall issue his warrant for the collection thereof to the Town Treasurer of said town. Town Clerk to assess tax.

SEC. 2. The Town Treasurer of the said town of Calumet, immediately upon the reception of the said warrant in the first Treasurer to collect.

section of this act mentioned, shall proceed to collect the taxes therein specified in the same manner that taxes are now collected by law.

When Clerk of Supervisors may assess.

SEC. 3. If the Town Clerk shall refuse or neglect to make the said assessment for ten days after the passage of this act, or if the Town Treasurer of said town shall refuse or neglect to collect the said taxes for ten days after the reception of the said warrant, then the Clerk of the Board of Supervisors of the county of Fond du Lac, shall make the assessment as specified in section one of this act, and deliver the warrant for collecting the same, to the Sheriff of said county, who shall immediately collect and return said taxes into the County Treasury.

When to take effect.

SEC. 4. This act shall apply to the town of Calumet under organization as the same existed on the first day of December, eighteen hundred and fifty, and shall take effect from and after its passage.

When Supervisors may revise assessment.

SEC. 5. The Supervisors of the several towns in Fond du Lac shall be and are hereby authorised and required to make the same corrections and abatements upon the affidavits of those assessed, or others for them, for the year eighteen hundred and fifty, at any time before the payment of the taxes aforesaid, as it is made the duty of the Assessors to do before the completion of the assessment by chapter fifteen of the Revised Statutes.

SEC. 6. This act shall be published by the Secretary of State immediately after its passage.

SEC. 7. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 24th, 1851.
NELSON DEWEY.

Chap. 9.

An Act to authorise the Town Board of Supervisors of Mineral Point to levy a special tax for the support of the poor of said town.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

How levied.

SECTION 1. That the Town Board of Supervisors of the town of Mineral Point, in the county of Iowa, are hereby authorised to levy and collect a special tax, not exceeding five mills on the dollar of valuation, according to the assessment roll of said town for the year eighteen hundred and fifty; the sum to be collected by said special tax to be applied exclusively to the support of the poor of said town.

SEC. 2. The Town Board of Supervisors of said town are

hereby authorised to make such changes and alterations on the said assessment roll, in cases of removal or new residence of taxable inhabitants, and also in cases of transfer of taxable property, as may be necessary to carry the provisions of this act into effect.

SEC. 3. The said tax shall be levied and collected in all respects in the same manner as other taxes are by law collected. How collected.

SEC. 4. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 24th, 1851.
NELSON DEWEY.

An Act to change the time of holding the County Court for the county of Kenosha. **Chap. 10.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Court for the county of Kenosha, shall hereafter be held on the fourth Monday in March, June, September and December, in each year, instead of the time heretofore required by law. Court when held.

SEC. 2. All process and other proceedings in said Court made returnable on the first Monday in April, eighteen hundred and fifty-one, shall be considered and held as returnable on the fourth Monday in March, eighteen hundred and fifty-one, and all appearances, adjournments, motions, notices and other proceedings pending in said Court, shall be considered and held as made and taken to the March term thereof. Proceedings when returnable

SEC. 3. So much of any and all former acts as conflict with the provisions of this act is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 24th, 1851.
NELSON DEWEY.

An Act relating to the village of Madison. **Chap. 11.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Treasurer of the village of Madison is authorised, and it is hereby made his duty, to sell all lands or lots in said village upon which the taxes shall remain unpaid on Treasurer to sell lands.

the third Monday of February, one thousand eight hundred and fifty-one; and such sale shall have the same force and effect as any other sale of lands for unpaid taxes.

Delinquent lands when to be returned.

SEC. 2. If any lots or lands shall remain unsold, it shall be the duty of the Treasurer to return a delinquent list to the Clerk of said village, on or before the fourth Monday of February, one thousand eight hundred and fifty-one.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 24th, 1851.
NELSON DEWEY.

Chap. 12.

An Act to change the name of the town of Elizabeth, in St. Croix county.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. The town of Elizabeth in the county of St. Croix, shall hereafter be called and known by the name of "Prescott."

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 24th, 1851.
NELSON DEWEY.

Chap. 13.

An Act to appropriate to J. & W. H. Carey the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to J. & W. H. Carey, one hundred and eighteen dollars and eighty-one cents, for clothing for state prisoners up to December second, eighteen hundred and fifty, to be paid out of any funds in the State Treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 27th, 1851.
NELSON DEWEY.

An Act to appropriate to James P. Greeves, the sum therein named. Chap. 14.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to James P. Greeves, twenty dollars and seventy-five cents, for medical attendance on Nolan, Conrad, Myers and Bonham, up to December twelfth, eighteen hundred and fifty, to be paid out of any funds in the State Treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 27th, 1851.
NELSON DEWEY.

An Act to appropriate to Hatch & Patterson the sum therein named. Chap. 15.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to Hatch & Patterson, ten dollars and eighty-two cents, for medicines for state prisoners, up to October twenty-seventh, eighteen hundred and fifty, to be paid out of any funds in the State Treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 27th, 1851.
NELSON DEWEY.

An act to appropriate to J. H. Brown the sum therein named. Chap. 16.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That there is hereby appropriated to J. H. Brown seventeen dollars for medical attendance on Joseph A. Palmer, a state prisoner up to August 15th, 1849, to be paid out of any funds in the State Treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 27th, 1851.
NELSON DEWEY

Chap. 17. An Act to appropriate to Ramanzo B. Rice the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to Ramanzo B. Rice, nine hundred and thirty-two dollars and sixty-seven cents, in full for keeping of state prisoners to January 1st, 1851, to wit: David Bonham, John Meyer, John Geisler, Joseph Anderson, Belthasar Conrad, Joseph Conrad, Seth Rogers, Knnox Kanason Gildsen, Fn Thuerman, William Miller, and furnishing the same with medicines, clothing and fuel, and for the board of night watchers, to be paid out of any funds in the state treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 27th, 1851.
NELSON DEWEY.

Chap. 18. An Act to appropriate to L. T. Rice the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That there is hereby appropriated to L. T. Rice three hundred and sixty-five dollars for guarding state prisoners from Jan. 1st, 1850 to Jan. 1st, 1851, to be paid out of any funds in the State Treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 27th, 1851.
NELSON DEWEY.

Chap. 19. An Act to extend the time for collecting taxes in the town of Hazel Green, Grant County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting the taxes in the town of Hazel Green, Grant County, is hereby extended to fifteen days beyond the time now required by law, and the Treasurer of said town shall have the same right to levy on property and sell the same within said time so extended, as is now allowed by law for such purposes.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 29th, 1851.
NELSON DEWEY.

An Act to appropriate to Alonzo Higley the sum therein. **Chap. 20.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Alonzo Higley the sum of thirty-eight dollars and forty cents, to be paid out of any money in the Treasury not otherwise appropriated, in full for his services and expenses in serving subpœnas, and bringing witnesses from the county of Calumet, in the case of the contested seat from said county.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 29th, 1851.
NELSON DEWEY.

An Act to grant to the United States an acre of the School section in the city of Racine **Chap. 21.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The State of Wisconsin hereby grants, quit-claims and conveys unto the United States of America, all right, title and interest, in and to the following described lands lying in the city of Racine, in the county of Racine, described as follows: "Beginning at a stake at the north-east corner of block number one, on the school section addition to the village of Racine, as recorded, and running thence westwardly along the north side of said block, two hundred and forty feet to the north-west corner of said block; thence southerly along the west side of said block, one hundred eighty-one and one-half feet; thence eastwardly across said block two hundred and forty feet; thence northwardly along the east side of said block, one hundred eighty one and one-half feet to the place of beginning, containing one acre of ground more or less," being the land on which the light-house now stands. Conveyance.

SEC. 2. The Commissioners shall provide in said conveyance Reservation.

that said premises shall be used for the purposes of a light-house, and the necessary fixtures and improvements for its preservation and maintenance; and that when the United States shall cease to use said premises for the purposes herein specified, the same shall revert to the State of Wisconsin for the use of schools.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 29th, 1851.
NELSON DEWEY.

Chap. 22. An Act in relation to the publication of legal notices.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That in all cases where any legal notice is required by law to be published in any newspaper in any county in this Sate, and no public newspaper is printed in said county, such notice shall be required to be published in a newspaper printed in an adjoining county, if a newspaper be printed therein.

SEC. 2. That all the laws of this state inconsistent with the foregoing provisions, be, and the same are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W.BEALL,
Lt. Governor and President of the Senate.

Approved January 29th, 1851.
NELSON DEWEY.

Chap. 23. An Act to establish the Emerald Grove Academy.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporate Powers. SECTION 1. That Erastus Dean, William Hume, Orren Densmore, Charles C. Cheney, Asa G. Ransom, Russel Cheney, James Silburn, and Benjamin Fowl, and their associates, together with such persons as may hereafter be associated with them, be, and are hereby, created a body corporate and politic, with perpetual succession, to be styled by the name and title of the Emerald Grove Academy, by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and

equity; said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey the same, rent, or otherwise lawfully dispose of at pleasure.

Stock transferable.

Sec. 2. The stock of said company shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as shall be directed by the by-laws of said corporation.

Notice of meeting.

Sec. 3. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days notice thereof by posting up notices in at least three public places in the said village of Emerald Grove, where said corporation is hereby located.

Trustees, how elected.

Sec. 4. At the first legally notified meeting, the stockholders shall have power to elect by ballot nine Trustees, three of whom shall be elected for one year, three for two years and three for three years, and after the first election three Trustees may be elected annually: Provided, always, That all Trustees shall hold their offices until others are elected in their place.

Sec. 5. At all elections and meetings of the company each stockholder shall be entitled to one vote for each share of stock owned by him.

Power of Trustees.

Sec. 6. The Trustees shall have power—First: to elect from their number a President, Secretary and Treasurer, also to elect all other officers of the corporation. Second: To call special meetings of the stockholders to fill vacancies in the board of Trustees. Third: To sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders, also to erect and keep in repair all necessary buildings for the use of said corporation. Fourth: To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said academy. Fifth: To prescribe the duties and fix the salaries of all the officers of said corporation, and remove or suspend them from office for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their places. Sixth: To make all rules, regulations, and by-laws, necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State.

Sec. 7. No religious test or qualification shall be required of any Trustee or officer of said corporation, nor of any student of said institution.

SEC. 8. This act may be amended or altered by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 29th, 1851.
NELSON DEWEY.

Chap. 24.

An Act to incorporate Brockway College.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. David P. Mapes, Ezra L. Northrup, Alvan E. Bovay, Warren Chase, John S. Horner, Jedediah Bowen, Almon Osborn, Asa Kinney, Edwin Lockwood, Dana F. Shepard, Alexander B. Beardsley, William S. Brockway, Edward L. Runnals, William Starr, and the President of the Collegiate Faculty for the time being, and their successors, shall be, and they are hereby created, a body politic and corporate, to be styled The Board of Trustees of Brockway College, to remain in perpetual succession; the design and purpose of the said Corporation being, and the same is hereby declared to be, to found, establish and maintain, at Ripon, in the County of Fond du Lac, an Institution of Learning of the highest order, embracing also a department for preparatory instruction.

Foundation.

SEC. 2. There shall be fourteen Trustees of said Corporation, and when a Collegiate Faculty shall have been duly chosen and organized, as hereinafter provided, the President thereof shall be ex-officio, the fifteenth Trustee and President of the Board. The Board shall hold its first meeting at Ripon within three months after the passage of this act, and a majority of its members shall in all cases constitute a quorum for the transaction of business. At the first meeting the Trustees shall be divided by lot into three classes; the first and second classses to consist of five members each, the third class of four members. They shall then appoint an annual meeting, the first, to be held within one year thereafter, at which time the office of the first class shall expire, and the office of each class shall expire annually thereafter in rotation forever.

Trustees term of office.

SEC. 3. The buildings of this Institution shall be located on "out lot No. 4," in the village of Ripon, as the same is laid down and described on a certain map entitled "Plan of the village of Ripon," and recorded in the office of the Register of Deeds for the County of Fond du Lac.

Location.

Sec. 4. No religious test shall ever be allowed in connection with any branch or department of this Institution.

Sec. 5. The Board of Trustees shall have full power in their corporate name, to sue and be sued, to plead and be impleaded, to have a common seal which they may alter at pleasure, to acquire, use, hold and convey property, real and personal, provided always that the annual income arising from the same, shall never exceed ten thousand dollars; to see that every donation or bequest made to the Institution be applied in conformity to the conditions on which the same is made; to make all necessary by-laws for the due ordering of their own affairs and for the government of the College; to fill all vacancies in their own body from whatever cause occuring; to remove members of their own body for long continued neglect of duty; to confer such degrees and other honors upon those whom they may deem qualified and worthy to receive the same, as are usually conferred by the Colleges of the United States; to elect a President who shall be the chief executive officer of the Institution and head of the Collegiate Faculty; to elect such Professors, Tutors, Teachers and other officers as in their opinion the interests of the Institution may demand; to define the duties of all officers thus elected, and on sufficient cause to suspend or remove them from office; to determine the amount of all salaries paid or to be paid by the Institution; to regulate the course of instruction and prescribe the books, authorities and apparatus to be used in the various departments and to have such further general powers not herein specified and not inconsistent with the letter or spirit of this act, as are granted to Corporations under the name of "General Provisions" in Chapter 54 of the Revised Statutes of this State. Corporate Powers.

Sec. 6. This act may at any time be altered or amended by the Legislature.

Sec. 7. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President of the Senate, pro tempore.

Approved January 29th, 1851.
NELSON DEWEY.

An Act to extend the time for collecting and making return of the taxes levied in the city of Milwaukee, for state, county and school purposes, for the year one thousand eight hundred and fifty. **Chap. 25.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The time for collecting and making return of

the taxes apportioned and levied for the year one thousand eight hundred and fifty, in the city of Milwaukee, for state, county and school purposes is hereby extended to the first Monday of May next.

SEC. 2. The Treasurer of said city of Milwaukee, is hereby authorised to collect the taxes specified in the warrants delivered to him by the Clerk of said city in the same manner, as he is authorised to collect taxes for city purposes, and if any of said taxes, for state, county or school purposes upon any real estate, shall remain unpaid from and after the first Monday of May next, the Treasurer of said city of Milwaukee shall sell the said real estate at the same time and under the same regulations as are provided for the sale of real estate for city taxes for the year one thousand eight hundred and fifty.

When Treasurer shall sell Real Estate.

SEC. 3. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved January 30th, 1851.
NELSON DEWEY.

Chap. 26

An Act to Incorporate the Fire Department of the city of Milwaukee.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all persons who now are or hereafter may become members of the Fire Department of the city of Milwaukee, and their successors, shall be and hereby are ordained, constituted and declared to be and continue a body politic and corporate, in fact and in name, under the name and style of the "The Fire Department of the city of Milwaukee," and by that name they and their successors may and shall have perpetual succession, and shall be known in law, capable of sueing and being sued, of pleading and being impleaded, of answering and being answered to, of defending and being defended, in all suits complaints, matters, causes, courts and places whatsoever and both in law and equity, and capable of having a common seal, of acquiring by purchase, gift, devise or otherwise, and of holding and conveying any real, personal or mixed estate, necessary, proper or expedient for the object of this incorporation: Provided, That the amount of said estate shall at no time exceed the sum of fifty thousand dollars:

Incorporation.

Proviso.

SEC. 2. The members of the Fire Department of the city of Milwaukee, hereby incorporated, shall have, and are hereby

declared to have full power and authority to make and prescribe such by-laws, rules, ordinances and regulations, and the same to alter, amend and change at pleasure as to them from time to time shall seem needful or proper, touching the management and disposition of their funds for the objects aforesaid; touching the regular and special meetings of the department; the regulation, duty and conduct of their members, delegates and board of Trustees; the election and displacing of officers and delegates; the admission and expulsion of members; the filling of vacancies in offices, and touching every other matter and thing necessary or expedient for the good government and promotion of this incorporation, or which pertains to the business and objects for which the said incorporation is by this act instituted; Provided, That such by-laws, rules, ordinances and regulations be not repugnant to the constitution and laws of the United States, or of this state. Corporate Powers. Proviso.

SEC. 3. The officers of said Department, by this act incorporated, shall be a President, Vice President, Secretary, Treasurer and Collector, who together with the Chief Engineer of the Fire Department and the delegates from the several Fire Companies and other bodies pursuant to the provisions of the constitution and by-laws of the Department, shall constitute a board of Trustees, a majority of whom shall be a quorum for the transaction of business; and said officers and delegates, separately, and as a board of Trustees shall do and perform such duties and things as may be incumbent upon or required of them by the constitution or by-laws of the department. Officers, how constituted.

SEC. 4. There shall be an annual meeting of the members of said corporation on the second Monday of January, in each year, at which the officers shall be elected by ballot by a majority of the members present, from their own body, and the officers elected shall hold their offices for one year or until others be chosen in their places; but in case it shall any time happen that an election of officers shall not be made or had on that day, the said corporation shall not be dissolved, but it shall and may be lawful to hold such election thereafter, pursuant to public notice given in one or more of the newspapers printed in said city. Term of office.

SEC. 5. Of the Fire Department of the city of Milwaukee, Allen W. Hatch, shall be President; A. Jackson Langworthy, Vice President; John M. Loomis, Secretary; Edward P. Allis, Treasurer, and V. A. W. Merril, Collector, who, together with the Chief Engineer of the Fire Department, duly appointed by the Common Council of the city of Milwaukee, and the delegates chosen as aforesaid, shall constitute the first board of Trustees, and shall hold their offices until the second Monday of January next, or until others shall be chosen in their stead. Constitution of first Board.

Funds, how appropriated.

SEC. 6. The interest arising from the funds of the said corporation, except sufficient to defray incidental expenses, shall be appropriated to the relief of such indigent and disabled firemen and their families as may be interested in the fund, and who may in the opinion of a majority of the Trustees be worthy of assistance.

Departments to grant Certificates.

SEC. 7. All certificates now required to be obtained by firemen from the Clerk of said city pursuant to the provision of any law of this state, shall hereafter be obtained from the department, by this act incorporated; which certificates, signed by the President and Treasurer of this department, and countersigned by the city clerk of said city and under the seal of this incorporation shall have the like effect of those heretofore obtained from the said city Clerk, and shall be satisfactory evidence of the facts therein contained, and each person applying for such certificate shall pay therefor such sum as the by-laws of the department shall prescribe for the benefit of the corporation and the object thereof.

Board to furnish List.

SEC. 8. It shall be the duty of the Board of Trustees to make out and deliver to the city Clerk once in each year, or whenever he may request it, an accurate list of all members of this corporation, who are exempt from jury or military duty, that are or may become entitled to the benefits thereof.

SEC. 9. This act is hereby declared to be a public act, and the same shall in all courts and places, be regarded benignly and favorably for every beneficial purpose hereby intended.

SEC. 10. The legislature may at any time alter, modify, amend or repeal this act.

SEC. 11. All acts and parts of acts which contravene the provisions of this act are hereby repealed, and this act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved February 1st, 1851.
NELSON DEWEY.

Chap. 27. An Act to legalize the Assessment of taxes and to extend the time for the collection of the same, in the Town of Manchester, in Calumet County.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The tax list of the Town of Manchester, in the county of Calumet, is hereby declared to be as valid and legal to all intents and purposes as it would have been if all the re-

quirements of law contained in the forty-eigth, forty-ninth, fiftieth, and fifty-first sections of chapter fifteen of the Revised Statutes had been strictly complied with.

Sec. 2. The time prescribed by law, within which Town, County and State taxes are required to be collected, is hereby extended for the period of thirty days for the purpose of collecting in said Town.

Sec. 3. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 1st, 1851.
NELSON DEWEY.

An Act to provide for laying out a certain road therein described. Chap. 28.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Henry Myers, Lorenzo B. Needham and Charles O. Baxter, are hereby appointed Commissioners to lay out and establish a state road from Honey Creek Bridge, near the house of Bartholomew Ragatz by the way of Leland's mill, to Reedsburgh in Sauk county. Commissioners to lay Road.

Sec. 2. The Commissioners appointed under the provisions of this act shall upon the performance of the work be entitled to such compensation for their services as the Supervisors of the county shall allow to be paid out of the county treasury. Compensation.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 1st, 1851.
NELSON DEWEY.

An Act to amend Section 9, Chapter 131, of the Revised Statutes. Chap. 29.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That part of Section 9, Chapter 131, Title 29, of the Revised Statutes which is as follows: "But this Section shall not be so construed as to allow any fees of witnesses on behalf of the people in criminal prosecutions, or in suits for the

recovery of fines, penalties or forfeitures," be and the same is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 1st, 1851.
NELSON DEWEY.

Chap. 30. An Act to change the name of the town of Farmersville, Dane county.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the town of Farmersville, in the county of Dane, is hereby changed to Black Earth, by which name it shall hereafter be known in all places whatsoever.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 1st, 1851.
NELSON DEWEY.

Chap. 31. An Act to appropriate to Samuel W. Beall a certain sum of money.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to the Hon. Samuel W. Beall, Lieutenant Governor, to be paid out of any money in the treasury not otherwise appropriated, the sum of one hundred and thirty-three dollars and fifty-six cents, being in full payment for services rendered as Governor of the State, during the absence of his Excellency, Gov. Dewey, from the 27th day of June to the 4th day of August A. D. 1850.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 1st, 1851.
NELSON DEWEY.

Chap. 32. An Act to authorize the construction of a bridge across the Fox river at Depere.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Edwin D. Cox his associates and assigns

are permitted to build and maintain a bridge across the Fox river at Depere, in the county of Brown, immediately below the dam now constructed across said Fox river at that place.

SEC. 2. Said bridge shall not be less than twelve feet in width, and shall contain a draw sufficient to pass and re-pass all boats, vessels, or other water crafts at all times free of expense, and without unnecessary delay or interruption; and the said Cox his associates and assigns shall be liable to any person for such unnecessary delay or interruption and for all damages that may accrue to any person or persons in consequence of any insufficiency of said bridge, or by bad management of the draws of the same: said bridge to be commenced within one year and completed within two years. Owners, when liable.

SEC. 3. The said Cox, his associates and assigns, shall have power immediately after the completion of said bridge to demand and collect tolls for passing over said bridge as follows: For any vehicle drawn by two horses, mules or oxen, twenty-five cents, and for each additional horse or ox, six and one fourth cents; for any vehicle drawn by one horse twelve and a half cents; for a single horse, six and a quarter cents; for all animals in droves, three cents each, provided that hogs and sheep shall not be charged more than two cents each per head; and foot passengers, three cents each. Tolls.

SEC. 4. Said Cox, his associates and assigns, shall keep posted up in a conspicuous place on said bridge, a list of rates of toll allowed by this act.

SEC. 5. Any person or persons committing any malicious injury to the said bridge constructed under the provisions of this act, shall be liable to the owner or owners thereof to the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction thereof, and upon conviction thereof, shall be punished in the manner prescribed by law for offences of that nature. Penalty.

SEC. 6. Any future Legislature may alter, repeal or amend this act.

SEC. 7. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 4th, 1851.

NELSON DEWEY.

Chap. 33. An Act to amend an act entitled "an act providing for the sale of the school section in the city of Racine."

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The time of payment of the purchase money secured to be paid to the State of Wisconsin by bonds and mortgages on the sale of said school section is hereby extended to become due and payable in one or more instalments at any time within ten years from the time of such sale at the option of the purchaser—the interest accruing on said bonds and mortgages to be paid in advance on the first day of January or within thirty days thereafter in each year, at the State Treasurer's office in Madison.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 4th, 1851.
NELSON DEWEY.

Chap. 34. An Act to extend the time for collecting taxes in the town of Brooklyn, Sauk County.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting the taxes in the town of Brooklyn, Sauk County, is hereby extended to twenty days beyond the time now required by law, and the Treasurer of said Town shall have the same right to levy on property and sell the same within said time so extended, as is now allowed by law for such purposes.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 4th, 1851.
NELSON DEWEY.

Chap. 35. An Act to amend an act entitled "an act to provide for the appraisal and sale of school lands, and for granting pre-emptions thereon," approved February 9, 1850.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Pre-emption. SECTION 1. There is hereby secured to every person now settled, or having improvements upon, or who may settle upon, subsequent to the passage of this act, any tract of land referred

to in section first of an act entitled "an act to provide for the appraisal and sale of school lands and granting pre-emptions thereon," approved February 9th, 1850—the pre-emption right to purchase any amount of land not exceeding one hundred and sixty acres, embracing such settlement or improvement, and to be selected by the claimant in legal subdivisions at the appraised value thereof.

Conditions.

SEC. 2. At any time before any such lands shall actually be offered for sale, any person or persons wishing to avail themselves of the right secured by this act, shall prove up their rights to such pre-emption, before the school commissioners by the affidavit of two or more disinterested witnesses together with his or her own affidavit, setting forth that he or she had at the time of their application for the premises therein described, made an actual settlement or cultivation thereon, and shall comply with the same conditions and obligations imposed upon other purchasers of said lands, and in case of non-compliance with the terms thereof, shall forfeit all right to pre-emption: Provided, That this section shall not be so construed as to allow the pre-emption right to extend to improvements made after the passage of this act, without an actual settlement. *And provided further*, That any person owning one hundred and sixty acres or more of land, shall not be entitled to the right of pre-emption under the provisions of this act.

Proviso.

Appraisers to be appointed.

SEC. 3. There shall be appointed by the Governor of the State of Wisconsin, three persons in each county in which any of the five hundred thousand acres of land granted by the United States to the State of Wisconsin, and appropriated to the school fund have been, or may be located, who shall proceed to appraise such lands located in the county for which they were appointed, as provided in the act to which this act is amendatory.

SEC. 4. So much of the act to which this act is amendatory, as conflicts with the provisions of this act, shall be and is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 4th, 1851.
NELSON DEWEY.

An Act to authorize Richard H. McGoon to construct and maintain a dam across the Pekatonica river in La Fayette county.

Chap. 36.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SEC. 1. That Richard H. McGoon, his associates, succes-

sors and assigns, are hereby authorized to construct and maintain a dam across the Pekatonica river, on section number twenty, (20) in town number three (3) north of range number three (3) east of the fourth principal meridian, in the county of La Fayette, and there shall be constructed and kept in repair a shute or slide of sufficient size and proper construction to admit of the free passage of Fish over said dam, Provided, That said lands upon which said dam and its appurtances are constructed shall be owned by the said Richard H. McGoon, or his associates or assigns: Provided also, that the said dam herein authorized to be erected shall not interfere with any dam already erected or heretofore authorized by law to be erected on said stream.

Proviso.

SEC. 2. The said dam may be constructed ten feet in height, the owner or owners thereof becoming responsible for all damages, if any, that may be sustained in consequence of the erection of said dam.

SEC. 3. Any person or persons committing any malicious injury to said dam, now or hereafter to be constructed under the provisions of this act, shall be liable to the owner or owners thereof for the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction, and in accordance thereto, upon conviction therefor, be punished in the manner provided by law for offences of that nature.

Conditions.

SEC. 4. The said Richard H. McGoon and his associates, successors or assigns shall construct and keep in good repair a sufficient slide not less than twelve feet wide in the clear and so constructed as not to cause a fall of more than three to every twelve feet horizontal surface, to admit of the free passages of fish over said dam.

SEC. 5. Whenever said River shall become navigable below said dam for boats, barges and other water craft, the said Richard H. McGoon and his associates, successors or assigns shall be required to construct and maintain in said dam, convenient locks for the passage of such boats, barges or other water craft and shall attend upon the same and pass and repass all such water crafts free of expense both to the owner and navigator's thereof.

SEC. 6. The Legislature may at any time repeal, alter or amend this act.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 4th, 1851.
NELSON DEWEY.

An Act to amend the law in relation to the action of rejectment. Chap. 37.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That a portion of section 12, chapter 106, title 24, of the Revised Statutes, which is as follows: 1st. That the said declaration will be filed on some day in the then next term of the court in which the action is brought, specifying such day; or if the same be served during the term of any court, that it will be filed on such day in such term, specifying the same," is hereby repealed, and the following substituted in in the place thereof. Repealing Clause.

1st. That the said declaration will be filed on some day within twenty days thereafter, in the office of the Clerk of the Court in which the action is brought, specifying such day.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 29th, 1851.
NELSON DEWEY.

An Act to amend Section 11 of "An Act to provide for the improvement of the Fox and Wisconsin rivers, and connect the same by a Canal," approved August 8, 1848. Chap. 38.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the Superintendent personally to superintend the work of each contractor, and to see that the same be done according to contract, reporting any and all deficiencies to the board, and he shall once a month measure and estimate the work done under such contract, and report the same to the Secretary of the Board, who shall thereupon draw his warrant on the treasury, for a sum equal to seventy-five per cent. of the amount estimated to be due on such contract, which warrant shall be first signed by a majority of the Board and countersigned by the Secretary, and paid by the Treasurer on presentation: Provided, that if in any case a contractor shall be dissatisfied with such admeasurement and estimate, he may appeal to the Board, whose decision shall be conclusive. Proviso.

Sec. 2. So much of Section 11 of the act referred to contravening the act of which this is amendatory, is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 29th, 1851.
NELSON DEWEY.

Chap. 39. An Act providing for the election of a Chief Justice.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever a vacancy shall exist in the office of Chief Justice, the Judges of the Supreme Court shall elect by ballot one of their number to fill said office; but no election shall take place unless four of their number concur in a choice.

SEC. 2. This act shall be published immediately after its passage, in the State paper, and shall take effect on being so published.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 4th, 1851.
NELSON DEWEY.

Chap. 40. An Act to appropriate to the legal representatives of Jackson Richardson, deceased, a certain sum of money.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the legal representatives of Jackson Richardson, deceased, seventy-two dollars and fifty cents, in full for support of state prisoners, David J. Odel and Levi Bates, from November tenth, eighteen hundred forty-nine, to February twentieth, eighteen hundred fifty, to be paid out of any funds in the State treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 4th, 1851.
NELSON DEWEY.

Chap. 41. An Act to appropriate to Emory Healy a certain sum of money.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That there is hereby appropriated to Emory Healy, three hundred and eight dollars and sixty-nine cents, in full for support and care of David J. Odel and Levi Bates, state prisoners, from February twentieth, eighteen hundred and

fifty, to December fifth, eighteen hundred and fifty, to be paid out of any funds in the State treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.

Approved, February 4th, 1851.
NELSON DEWEY.

An Act to appropriate to David E. Wood the sum therein named. **Chap. 42.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to David E. Wood the sum of seventy-one dollars and seventy cents, to be paid out of any money in the treasury not otherwise apprpriated, for mileage and per diem, while contesting the seat of William H. Dick, at the same rates allowed to members of the Assembly.

Sec. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 4th, 1851.
NELSON DEWEY.

An Act to pay F. P. Catlin the sum therein named. **Chap. 43.**

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated to F. P. Catlin the sum of twenty dollars, in full for thirty township plats furnished to Timothy Burns, commissioner to locate school lands in Wisconsin.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 6th, 1851.
NELSON DEWEY.

An Act to set apart and incorporate the County of Oconto. **Chap. 44**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That all that section of country lying and be-

ing within the following described boundaries, to wit; "Beginning at a point in the boundary line between this State and the
Incorporation. State of Michigan, where the range line between ranges nine and ten strikes said boundary line, running thence in an easterly direction on said boundary line to the mouth of the Menomonee river, thence south through Green Bay to the main channel thereof, thence southerly along the channel of said Bay to the line dividing townships twenty-five and twenty-six, thence west to the north-west corner of township twenty-five, range nineteen, thence south to the south-west corner of said town, thence west to Wolf river, thence up the middle of said river to the range line between ranges nine and ten, thence north on said line to the place of beginning," shall be, and is hereby set apart, and shall constitute a county, with all the rights and privileges heretofore granted to other counties, and shall hereafter be known, in law and otherwise, by the name and style of Oconto county, and shall be for the time being attached to the county of Brown for all judicial purposes.

Sec. 2. That the county of Oconto shall pay to the Treasurer of the county of Brown all costs, fees, charges and expenses, that shall be paid by the said county of Brown, that may accrue in consequence of any prosecution, conviction, imprisonment or proceedings whatever against any person charged with any crime or misdemeanor within said county of Oconto, and the county of Brown may sue and collect the same from said county of Oconto, in any court of competent jurisdiction.

County Seat. Sec. 3. The seat of justice shall be and is hereby located, temporarily, at Jones' Mills, on the Oconto river, and the people of said county, may, at their first election, vote for the establishment of the seat of justice at any place in said county, and the place receiving a majority of all the votes polled at such election, shall be the permanent seat of justice of said county.

FREDERICK W. HORN,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 6th, 1851.
NELSON DEWEY.

Chap. 45. An Act to extend the time for the collection of taxes in the town of Green Lake, in Marquette County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The time allowed for the collection of taxes and making returns is hereby extended (to the Treasurer of the

town of Green Lake, in Marquette county,) to the second Monday of February.

Sec. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 6th, 1851.
NELSON DEWEY.

An Act to change the name of Sarah Dyer to Sarah Whiting. **Chap. 46.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The name of Sarah Dyer is hereby changed to Sarah Whiting.

Sec. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 6th, 1851.
NELSON DEWEY.

An Act in relation to public printing. **Chap. 47.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the person or persons who now or hereafter may have any contract or contracts for doing any or all the public printing of this State, are hereby required, immediately after performing any such printing, to deposite with the Secretary of State a copy of such journal, bill, memorial, report, or any other printed document or paper coming under the class of "incidental printing," with the number of such copies printed, the number of "ems" composing the same, and the whole price of the said number of copies marked thereon; and there shall also be deposited in a similar manner a copy of each "form" of the laws and journals, together with the number of "ems" composing the same, and also a copy of each "blank" furnished the Executive or any of the departments of the State; and in case other printing than "blanks" are so furnished to the Executive or any of the departments of the State, a copy of the same shall be deposited with the Secretary of State in the same manner as is above provided for the incidental printing, or the printing of the laws and journals, as the case may be.

Contractor to deposite copies.

Sec. 2. No compensation whatever shall be hereafter allowed to any person or persons doing printing by contract, for the State, unless the provisions of the first section of this act are complied with.

Sec. 3. It shall be the duty of the Secretary of State, to receive such copies at any time when presented at his office, and preserve the same subject to the inspection of the legislature.

Sec. 4. This act shall take effect immediately after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 6th, 1851.
NELSON DEWEY.

Chap. 48. An Act to amend Chapter 139, of Title thirty-three, of Part four of the Revised Statutes]

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That section sixteen, of chapter one hundred and thirty-nine, title thirty-three of part four of the Revised Statutes, is hereby amended to read as follows: "Every person who shall, on the Lord's day, or at any other time, wilfully interrupt or molest any assembly of people met for the worship of God, or any member thereof, or any persons, when meeting or met together for the performance of any duties enjoined on or appertaining to them, as members of any religious society, or for the recitation or performance of, or instruction in vocal music, within the place of such meeting, or out of it, shall be punished by fine not exceeding twenty dollars, nor less than five dollars.

Penalty

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 6th, 1851.
NELSON DEWEY.

Chap. 49. An Act to amend "An Act to provide a block of marble or granite, to be placed in the National Monument, at the city of Washington, approved February 9th, 1850."

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sec. 1. That section two of said act is hereby amended so as to read as follows: A block of native marble having been

procured in accordance with said act, which shall be dressed to the size required by those employed in the erection of said monument, the Governor shall cause to be engraved on said block of marble or granite, as a device, the name of this State and the date of her admission into the Union; and that the margin around said block be imitation of rope work.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 6th, 1851.
NELSON DEWEY.

An Act to appropriate the several sums therein named. **Chap. 50.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. 1. There is hereby appropriated, to be paid out of any money in the State treasury, the sum of seventy-five dollars to the Lieutenant Governor, and seventy-five dollars to each member of the Senate and Assembly, as part compensation for their services at the present session of the legislature.

Sec. 2. There is hereby appropriated, to be paid out of any money in the State treasury, to each of the Chief Clerks of the Senate and Assembly, the sum of three hundred and seventy five dollars; and to the Sergeant-at-Arms of the Senate and Assembly, each the sum of three hundred dollars, in part pay for their services and those employed under them; which said amounts, when so paid by the Treasurer to the persons above named, they shall execute to said Treasurer sufficient vouchers thereof. Clerks to give vouchers.

Sec. 3. There is hereby appropriated to Frederick W. Horn seventy-five dollars, out of any money in the treasury, as part compensation for his services as Speaker of the present session of the legislature.

Sec. 4. There is hereby appropriated to the Chief Clerks of the Senate and Assembly, each the sum of one hundred dollars, as a contingent fund for extra engrossing and enrolling, to be accounted for by said Clerks at the close of the session, to the proper committee of their respective houses. Contingent Fund

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 7th, 1851.
NELSON DEWEY.

Chap. 51. An Act to pay David T. Dickson the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the sum of seven thousand one hundred and twenty-four dollars and eighty-three cents ($7124,83,) be and hereby is appropriated to David T. Dickson, State Printer, out of any money in the State treasury not otherwise appropriated, in full for printing done for the use of the State for the year 1850.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor, and President of the Senate.
Approved, February 8th, 1851.
NELSON DEWEY.

Chap. 52. An Act for the apportionment of school moneys for the year eighteen hundred and fifty-one.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Town Superintendent of the several towns of this State, between the first Monday in April and the first Monday in May next, to apportion the school moneys received by them from the Town and County Treasurers, to the several districts within their respective towns, in proportion to the number of children residing in each over the age of four and under the age of twenty years.

Superintendents to apportion moneys.

SEC. 2. The number of children residing in the several school districts and parts of districts, between the ages of four and twenty years, shall be ascertained by the Clerks of the several districts and parts of districts, and reported to the Superintendent of the towns in which such districts or parts of districts are situated respectively, on or before the first day of April next.

Clerk's Report.

SEC. 3. No moneys shall be apportioned to any districts or parts of districts, unless it shall appear by the certificate of the Clerk of such district or part of district, that a school has been taught therein by a qualified teacher, at least three months within the year ending on the first day of April next, provided, that the prior right of all districts or parts of districts, to receive their due proportion of such school moneys, shall in no wise be prejudiced or invalidated by the provisions of this section, where it shall appear that such districts or parts of districts have complied with the provisions of the general school law, by making their report on or before the fifteenth of September last.

Conditions.

Proviso.

Sec. 4. This act shall take effect on the first Monday of February, eighteen hundred and fifty-one, and shall continue in force till the first Monday of May next, and no longer.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 8th, 1851.
NELSON DEWEY.

An Act to regulate the distribution of the income of the school fund. **Chap. 52.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The words "income of the State fund for the support of common schools," used in section one, chapter twenty of the Revised Statutes, shall be so construed as to mean such portion of the income as shall have been actually paid in to the State treasury up to the first day of February in each year, and such portion shall be the "income" to be distributed under the provisions of said chapter twenty. Explanation.

Sec. 2. Such portion of the income of the school fund as shall be due on or before the last day of January in any year, but which, owing to admissable causes, shall not have been paid into the State treasury until after said date, shall be added to the income for the succeeding year and apportioned with it in the next apportionment of the school moneys by the State Superintendent.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 8th, 1851.
NELSON DEWEY.

[An Act to incorporate the Potosi and Dodgeville Rail Road Company. **Chap. 54.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Robert Templeton, Donald A. Mackenzie, Simon E. Lewis, Celestin Kætenbach, Julius Augustine, Henry L. Massey, Samuel Vance and William T. Ennor, of the county of Grant, and Elisha Smith, Charles G. Rodolf, George Messersmith, Thomas Stephens, John H. Todd, M. M. Cothren, Cyrus Woodman and John B. Terry, of the county of Iowa, be,

and they are hereby appointed Commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Potosi and Dodgeville Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said Company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same weekly in a public newspaper printed in the county of Iowa.

Commissioners to receive subscriptions.

SEC. 2. The capital stock of said Company shall be four hundred thousand dollars in shares of one hundred dollars each, and as soon as one thousand shares of stock shall be subscribed, and five dollars on each share actually paid the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors or assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the "Potosi and Dodgeville Rail Road Company," with perpetual succession, and by their name shall have all the privileges, franchises and immunities, incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, as far as the same may be necessasy for the purposes hereinafter mentioned and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation.

Corporate Powers.

SEC. 3. The said Commissioners, or a majority of them, after the said one thousand shares of stock shall have been subscribed, as aforesaid, shall give thirty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing nine directors, and annually thereafter the said stockholders shall meet on the second Wednesday in January for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: Provided, That previous to the first election, the Commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors: And provided, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election the directors of the proceeding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election.

Commissioners to give notice of Election.

Proviso.

SEC. 4. The affairs of the said corporation shall be managed

by a board of nine directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said Company, the votes to be delivered in person or by proxy duly authorised, which directors shall appoint one of their own number to be President, and shall respectively serve for one year, or until other directors be elected, they shall have power to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of the State of Wisconsin, as may be necessary for the well ordering of the officers [affairs] of said Company.

President to be appointed.

Sec. 5. None but stockholders shall be elected directors, and at every election, and in all other cases upon which stockholders shall be called upon to vote each share of stock shall be entitled to one vote, and in all cases of elections for directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. Five directors shall be a quorum for the transaction of business, who in the absence of the President shall appoint a President, pro tem; the said directors shall appoint Secretary, Treasurer and such Engineers and other officers as they may find necessary; they shall have full powers to fix the compensation of all officers, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of every person or persons failing to pay any instalment so required, at a reasonable period, not less than thirty days from the time appointed for the payment thereof; they shall have power to make such covenants, contracts and agreements, with any person, co-partnership, or body politic, whatsoever, as the execution and management of the works and the convenience and interest of the Company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the Company: Provided, That no instalment called in at any one time shall exceed twenty dollars per share, and that no instalment shall be called by the directors without at least sixty days notice thereof in the newspapers hereinbefore mentioned.

Powers of Directors.

Proviso.

Sec. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the President, countersigned by the Secretary, and sealed with the

Certificates of Stock.

common seal, subject however to all payments due or to grow due thereon which stock shall be transferred in person or by Attorney, Executors, Administrators, Guardian or Trustees, under such regulation as may be provided for in the by-laws of the Company.

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the Company for such year; and special meetings of the stockholders may be called to order of the directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Directors to make a statement.

SEC. 9. The said Company shall have power to locate and construct a single or double tract railroad from such eligible point in the town of Potosi, in Grant county, to such eligible point in the town of Dodgeville, in Iowa county, as shall be determined on by a vote of the stockholders holding a majority of the stock of said Company, at a special meeting called for the purpose of fixing the location or termination of said road, and shall have power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them; and they shall also have power to make, construct and erect all such side tracks, turn outs, and connecting tracks, and also all such warehouses, machine shops, carriages, cars and other works and appendages, as may be necessary for the convenience of the said Company to the use of the said railroad, and to connect the same with other railroads and branch railroads in the State of Wisconsin, at any points within the limits of the counties of Grant and Iowa.

Specified Powers.

SEC. 10. If said corporation shall not within three years from the passage of this act commence the construction of said railroad, then the rights, privileges and power of said corporation under this act shall be null and void.

SEC. 11. It shall and may be lawful for said Company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by the said Company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding five rods in width, along the line of said

Route, how located.

route, subject, however, to the payment of such compensation as the Company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided in such cases respectively.

Sec. 12. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the judge of the circuit court of the county in which such lands are situated, on application of such corporation, to appoint three disinterested persons residing in such county, whose duty it shall be to view and examine, or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the lands so taken or required by the said Company, and all damages which the owner or owners thereof shall sustain or may have sustained, by reason of the taking of the same for the construction and use of said railroad, or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, to the said owner or owners, and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace, or other person competent to administer oaths, faithfully, and according to the best of his abilities, to examine the land so taken or required by said Company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by said Company, over and above all benefits and advantages which such owner or owners shall derive from the construction of such railroad, whereupon such Commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners, as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said judge, and shall return the same within thirty days after their appointment, to the Clerk of the Circuit Court of the county in which they reside; and it shall be the duty of the said Clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports, as hereinafter provided, then the said Clerk shall record the same at the expense of the Company, and judgment of the said Court shall be entered thereon, on motion of either party, at any term of said Court: Provided, That either party may appeal to said Court within thirty days

When Judge to appoint appraisers.

Appraisers to report.

Proviso.

after said report shall have been filed in the Clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said Court, and the jury empannelled to try the same shall find the land so taken or required by said Company, and the damages which the owner or owners therof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such railroad, and judgment of Court shall be entered accordingly: Provided also, That it shall not be lawful for said Commissioners, or said Court, to proceed to the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that said owner or owners had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their Guardian or Trustee, if any there be, or in such manner as the Court may direct: Provided also, That upon making and filing any report, as aforesaid, and payment, or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her or their legal representatives, the said Company, their agents, or the contractors for making or repairing said railroad, may immediately take and use the same, without awaiting the issue of any appeal brought thereon.

Proviso.

Owners to have notice.

Proviso.

SEC. 13. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for taking and using the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said Company shall be entitled to the estate and interest in the same as fully as if it had been conveyed in fee simple, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said Company by action at law, at the cost and expense of the person or persons entitled to the same.

Perfection of title to Land.

SEC. 14. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads, which may cross the same, and in all places where such railroad may cross or in any way interfere with any public road, it shall be the duty of said Company to make or cause to be made a sufficient causeway, or passage way, to enable all persons travelling such public road to pass over or under such

railroad without inconvenience: Provided, That in cases where said railroad may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said Company to construct said railroad across or upon such road after altering and putting the same in as good condition as before, and for that purpose the said Company shall previous to occupying any part of such road, construct a new road in part or in whole as may be necessary, on ground adjacent to any such road, and in every respect complete such newly constructed road or part of a road so interfered with as it was, previous to the disturbance and occupancy thereof by said Company. Proviso.

SEC. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said Company when required, to make a good and sufficient passage-way over or under said railroad, whenever the same may be necessary to enable the occupants of said lands, to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require. Provided, that said company shall in no case be required to make more than one such passage-way for each farm, and when any public road shall cross such railroad, in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

SEC. 16. On the completion of said railroad, or any portion of the track, not less than ten miles, it shall and may be lawful for the company to demand and receive such sums of money for passage and freight of persons and property, as they shall from time to time think reasonable. Rates of Fare.

SEC. 17. If any person shall wilfully and knowingly break, injure, or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, or machinery attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offense, forfeit and pay a sum not exceeding three times the amount of damages caused by such offense, which may be recovered in the name of the said company, by action of debt, in any court having competent jurisdiction in the county wherein the offense shall be committed, and shall also be subject to indictment, and upon conviction of such offense, shall be punished by fine and imprisonment, or either, at the discretion of the Court. Penalty for damages.

SEC. 18. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, That all debts due said Company shall be first paid. Proviso.

Stock may be increased.

Sec. 19. The stockholders holding a majority in value of the stock may, at any annual or special meeting, increase the capital stock of this Company to an amount not exceeding six hundred thousand dollars.

Sec. 20. This act shall be favorably construed to effect the purposes thereby intended; and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof.

Rights, when forfeited.

Sec. 21. In case of a violation by the company of any of the provisions of this act, the legislature of the State of Wisconsin may resume all and singular, the rights and privileges hereby granted to said company.

Company may extend Road.

Sec. 22. At any time within five years from and after the passage of this act, the said company are hereby authorised and empowered to extend and continue the railroad authorised to be constructed by this act from the said town of Dodgeville to such point in the town of Mineral Point, in said Iowa county, as may be most eligible, and also to extend said road northward from said town of Dodgeville to such point on the Wisconsin river in said Iowa county as the said company may determine.

When other lands may be used.

Sec. 23. It shall be lawful for said company, their officers, engineers and agents, to enter upon lands adjacent to the rail road beyond the limits of four rods, in the manner provided in the eleventh section of this act, when necessary for the purpose of erecting Depot Buildings, Station Houses and necessary fixtures for the operation for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposite earth and gravel taken from deep cuts, and to obtain earth, gravel and other materials for embankments and structures necessary to the construction and repairs of said road; doing however no unnecessary damage; and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeable to the provisions contained in the twelfth section of this act. And when such damages shall have been paid or tendered, the title to the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said company, agreeable to the provisions contained in the thirteenth section of this act aforesaid.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 10th, 1851.
NELSON DEWEY.

An Act to extend the corporate limits of the village of Madison. Chap. 55.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That so much of sections twelve, thirteen, fourteen, twenty-three and twenty-four, of town seven, north of range nine east, and section seven, of town seven north, of range ten east, of the fourth principal meridian, in the State of Wisconsin, as is included in the original town plat of Madison, as platted and recorded in the county of Dane, together with blocks numbered from one to seventeen inclusive in the "University addition," shall hereafter be included in and constitute the corporate limits of the village of Madison.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 10th, 1851.
NELSON DEWEY.

An Act to authorize the Milwaukee and Janesville Plank Road Company to construct branch roads. Chap. 56.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall and may be lawful for the Milwaukee and Janesville Plank Road Company, and they are hereby authorized and empowered to build under the provision of their charter and the amendments thereto, a branch road running through Waterford and Rochester to Burlington in the county of Racine, and also a branch from the village of East Troy, by the way of Troy in Walworth County, to Elkhorn in the said county, and also a branch road from Big Bend in the county of Waukesha, through Mukuannago to Eagleville in the county of Waukesha aforesaid.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 10th, 1851.
NELSON DEWEY.

An Act to vacate a part of the town plat of the village of Dunkirk Falls, in the county of Dane. Chap. 57.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the town plat of the village of

Dunkirk Falls, which lies in the west half of the south west quarter of section twenty-one, town five, range eleven, Dane county, is hereby vacated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 10th, 1851.
NELSON DEWEY.

Chap. 58. An Act to appropriate to King & Fuller the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to King & Fuller thirty dollars out of any money not otherwise appropriated as payment in full for publishing the proclamation of the sale of Milwaukee and Rock River Canal on the twenty-third of June, in the year of our Lord one thousand eight hundred and fifty, also, the proclamation of the postponement of the same on the tenth of August, in the year of our Lord one thousand eight hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 10th, 1851.
NELSON DEWEY.

Chap. 59. An Act to vacate a part of the town plat of the village of Rockport in the county of Rock.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the town plat of the village of Rockport, which lies in the town of Rock, is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 10th, 1851.
NELSON DEWEY.

An Act to amend Chapter 127 of the Revised Statutes. **Chap. 60.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That chapter one hundred and twenty-seven of the Revised Statutes is hereby amended by adding thereto the following section: Section 42. The provisions of this chapter shall not be deemed as covering any action cited in section fourteen, wherein it may be shown by the plaintiff, that the person pleading limitation has within the six years been known by another name, or when the fact is established that he has changed his name, or answered habitually to a different name from that by which he was known when the debt or liability was incurred.

FREDERICK W. HORN,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 10th, 1851.
NELSON DEWEY.

An Act to change the name of the town of Olio, Sheboygan county. **Chap. 61.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the town of Olio, in Sheboygan county, is hereby changed to "Mitchell," by which name it shall hereafter be known in law or otherwise.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 10th, 1851.
NELSON DEWEY.

An Act to change the course and width of Second street in the village of Whitewater. **Chap. 62.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Second street in the village of Whitewater is hereby changed in width and direction as laid down in the recorded plat of said village, as follows: The westerly line of said street to commence ten feet east of the point on Main street where it now commences, and thence to run at right angles to said Main street as far as the northerly side of Centre street,

and the easterly line of said Second street to be changed to a course parallel with its westerly line run as aforesaid.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 10th, 1851.
NELSON DEWEY.

Chap. 63. An Act to vacate a part of the Town plat of Miltimores addition to Janesville.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That so much of Canal street as lies east of Centre avenue, in Miltimore's addition to the village of Janesville, and also the alley which lies between lots numbered 114, 115, 116, 117, 118, 119, 120, and 121, in said addition to Janesville is hereby vacated.

SEC. 2. This act shall take effect from its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 10th, 1851.
NELSON DEWEY.

Chap. 64. An Act to amend the charter to the Milwaukee and Mississippi Rail Road Company.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The Milwaukee and Mississippi railroad company, are hereby authorized and fully empowered in their corporate capacity, to borrow any sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds, or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this state or any other state where such transactions may be made to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a railroad from Milwaukee to the Mississippi river, are hereby ratified and confirmed, and

Power to negotiate loans.

the contracts and official acts of said company declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

SEC. 2. It shall be lawful for said company to purchase lands adjoining or adjacent to the railroad for the purpose of procuring earth, gravel or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same. Company may purchase lands.

SEC. 3. It shall be lawful for said corporation to hold the annual meetings of stockholders for the purpose of electing directors, on the second Tuesday of January, instead of being held at the time prescribed in the acts incorporating said company, and the directors are hereby required to exhibit at such annual meetings of stockholders a detailed statement of the affairs of the company. Optional provision.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 11th, 1851.
NELSON DEWEY.

An Act to amend an act entitled "An Act to incorporate the city of Kenosha" approved Feb 8, 1851. **Chap 65.**

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Section thirty-seven, of the act to which this act is amendatory, is hereby amended so as to read as follows: For the discharge of any debt against said city, or expenditure authorized by the City Council, under the provisions of this act, or ordinance of said city, or to defray the current expenses of said city, the City Council shall have power to levy and collect annually a tax on all such real and personal property or capital of any kind within said city, subject to taxation by the laws of this State for the time being: Provided, That said tax shall not in the aggregate exceed one per centum on the assessed valuation of said property: And provided also, That this act shall not affect in any manner any tax already levied, or the collection thereof, or the sale of any lots or lands sold or to be sold for the non-payment of such tax.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore. of the Senate.

Approved February 11th, 1851.
NELSON DEWEY.

Chap. 66.

An Act to set apart and incorporate Door County.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That all that section of country in this state lying north and east of a line beginning on the western shore of Lake Michigan where the north line of township twenty-one (21) intersects Lake Michigan, running thence west on said line to the north-west corner of township twenty-one (21) north, and range twenty-three (23) east; thence north on the range between ranges twenty-two and twenty-three to a point where the same intersects the eastern shore of Green Bay; thence north-easterly along the centre of said bay to the boundary line between the states of Michigan and Wisconsin; from thence southerly along the said line dividing the state of Michigan and Wisconsin to a point in Lake Michigan where the east and west line on the north side of town twenty-one north, entended would intersect the eastern boundary of the state of Wisconsin; from thence west to the place of beginning, shall be, and hereby is set apart, and shall constitute a county, with all the rights and privileges heretofore granted to other counties, and shall hereafter be known in law and otherwise by the name and style of Door county, and shall hereafter be, and hereby is attached to the county of Manitowac for judicial purposes, and for the time being the same shall constitute one township for all township purposes, and shall be known as Gibralter township, and under such name shall be entitled to all the rights and privileges heretofore granted by law to other townships and the first election in said township shall be held at the store of Duncan C. Reed, in the said town of Gibralter, located on the western shore of Gibralter Bay, (heretofore known as "Bailey's Harbor.")

SEC. 2. The seat of justice of said county of Door herein created shall be and is hereby located on the south-west quarter of section twenty (20) township thirty (30) north, range twenty-eight (28) east at the villlage hereafter to be known as the village of Gibralter.

SEC. 3. That said Door county shall cause to be paid annu-

ally to the Treasurer of Manitowoc county, the sum of thirty dollars towards defraying the per diem allowance of the County court, Judge of Manitowoc county, and the other expenses incident to such annexation.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 11th, 1851.
NELSON DEWEY.

An Act to provide for making returns of the elections in towns, to the Clerk of the Board of Supervisors of the county. **Chap. 67.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Town Clerk of each town within this state, within ten days after the holding of the annual town meeting of his town, to transmit to the Clerk of the Board of Supervisors of the county, a certified statement of all officers elected in his town.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 11th, 1851.
NELSON DEWEY.

An Act to amend an act entitled an act "to incorporate the Racine and Rock River Plank Road Company," approved March 6, 1848. **Chap. 68.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Racine and Rock River Plank Road company shall have power to demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile for any vehicle drawn by two animals, and for any vehicle drawn by more than two animals, one half cent per mile for every additional animal.

SEC. 2. All acts and parts of acts contravening this act is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved February 11th, 1851.
NELSON DEWEY.

Chap. 69. An Act to legalize the assessment and collection of taxes in the town and county of Marathon.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The tax list of the town and county of Marathon for the year eighteen hundred and fifty, is hereby declared to be valid and legal to all intents and purposes.

SEC. 2. The time prescribed by law, within which the town, county and state taxes, for the year eighteen hundred and fifty, are required to be collected, is hereby extended until the first day of April next, in the year of our Lord eighteen hundred and fifty one.

SEC. 3. This act shall take effect on and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved February 11th, 1851.
NELSON DEWEY.

Chap. 70. An Act to incorporate the Packwaukee Bridge Company.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. J. E. Cook, S. A. Pease, John G. King, Edward D. Pattengell, and such other persons as are or may be associated with them, are hereby created a body corporate in law, by the name and style of the Packwaukee Bridge Company, for the purpose of constructing a bridge across Buffalo lake, on sections twenty and twenty-nine of township fifteen north of range nine east in the county of Marquette; and said Company may, in their corporate name, sue and be sued, plead and be impleaded in any courts in this state, and may have a common seal, and may change the same at pleasure.

SEC. 2. The said J. E. Cook, S. A. Pease, John G. King and Edward D. Pattengell, or such other persons as they may appoint, are hereby constituted commissioners to receive subscriptions to the capital stock of said Company, and shall open books at such times and places as the said commissioners shall appoint, until the capital stock of said Company is taken.

Commissioners to open Books.

SEC. 3. The said Company shall have power to build said bridge across Buffalo lake on sections twenty and twenty-nine of township fifteen of range nine east at any point they may select, and to take so much land as may be necessary for that purpose: Provided, No unnecessary damage shall be done thereby, and in case the said Company and the owners of the land can-

Proviso.

not agree upon the price of said land, the said Company shall choose one appraiser and the owners of the land another, and the persons so chosen shall proceed to appraise the land, and in case the said appraisers cannot agree they shall choose a third person, and the price at which the said appraisers shall appraise the said land, shall be paid by the said Company to the owners thereof.

Sec. 4. Said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the most navigable part of said lake, not less than one hundred and fifty feet wide, and the said Company shall attend the said draw so as to permit boats and vessels to pass through the same at all times free of charge and without unnecessary delay. Draw to be kept.

Sec. 5. The said Company shall have power after the completion of said bridge to demand and collect toll for passing the same as follows: For any vehicle drawn by two horses or oxen, twenty-five cents, and for each additional horse or ox five cents; for any vehicle drawn by one horse, ten cents; for a single horse, five cents; for all animals in droves of less than fifty, three cents each, and for all over fifty, two cents each: Provided, The said Company may charge a less rate of toll at their discretion. Tolls.

Sec. 6. The said Company shall have power to make by-laws for the regulation of the concerns of said Company: Provided, That said by-laws shall not be repugnant to the laws of Wisconsin. Proviso.

Sec. 7. The said Company shall keep posted up in some conspicuous place on the said bridge a list of the rates of toll to be paid for crossing.

Sec. 8. This act shall take effect and be in force from and after its passage.

Sec. 9. This act may be amended, altered or repealed by any future Legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved February 15th, 1851.
NELSON DEWEY.

An Act to vacate certain lots in the village of Saukville, Washington County. **Chap. 71.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The following village lots in the village of Saukville, Washington county, are hereby declared vacated, name-

ly: The lots contained in blocks (10) ten, (12) twelve, (15) fifteen, (17) seventeen, and (18) eighteen, and the west one-half of block (9) nine, except lot (1) one, also block (13) thirteen; except lots (1) one, (2) two, (3) three, (42) forty-two, (43) forty-three and (44) forty-four; also, Elm street from the river to Clay street, and the allay running east and west in block (1) one.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved February 15th, 1851. NELSON DEWEY.

Chap. 72. An Act to amend an act entitled "An Act to incorporate the Winnebago Lake and Fox river road company," approved March 13th, 1848.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of directors and stockholders organized under the act of which this is amendatory, are hereby authorized to increase the capital stock of said company not to exceed one hundred thousand dollars, for the construction of a branch, extending to the Wolf river, to commence at such point on the Winnebago lake and Fox river road, and terminate at such point on the Wolf or Wisconsin rivers as said company may judge best.

Stock may be increased.

SEC. 2. When five hundred shares shall be subscribed for the construction of the Wolf river branch road and one dollar paid in on each share, the said company shall be empowered to act, and are hereby authorized to construct said branch under the same regulations, liabilities, restrictions and privileges as are specified in the act to which this is amendatory.

Conditions.

SEC. 3. Said company is hereby authorized to keep separate books for the Wolf river branch road, and to declare dividends, and all stock issued for the same shall be the stock of the Wolf river branch of the Winnebago lake and Fox river road, and they may have and are hereby authorized to create at their discretion a separate board of directors, and to have a President, Secretary and Treasurer for the said branch to be created by the stockholders in said branch, on the same conditions as provided for the creation of the board in the act of which this is amendatory.

Separate organization.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved February 15, 1851. NELSON DEWEY.

An Act to amend the act authorising the laying out of a State Road from Sheboygan to Madison. Chap. 73.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That section one of chapter one hundred and nine of the session laws of eighteen hundred and fifty be and the same is hereby amended so as to include the names S. I. Warren, E. M. McIntosh and John Beeson as Commissioners, instead of S. G. Pickett, B. L. Gibbs and Charles Billinghurst.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 15th, 1851.
NELSON DEWEY.

An Act to appropriate to the County of Racine the sum of money therein named. Chap. 74.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the County of Racine, out of any money in the treasury not otherwise appropriated the sum of three hundred and eighteen dollars and forty cents in full payment and satisfaction for maintenance and support of Sylvester S. Parmlee and William Sellers, State prisoners confined in Racine County Jail, and for clothing, medicine and medicaal attendnce for said prisoners and for Thomas Fanning up to the time of the pardon of said prisoners.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 15th, 1851.
NELSON DEWEY.

An Act making an appropriation for the payment of Canal Bonds numbers fifty-five and fifty-six. Chap. 75.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be and hereby is appropriated out of any money in the State treasury not otherwise appropriated, to Joel Rathbone, the sum of one hundred and forty dollars, in full for the interest due on canal bonds numbered fifty-five and fifty-six, up to December twentieth, eighteen hundred and fifty; and also the further sum of two thousand and seventy dollars, to be paid on or after the twentieth day of June next, in full for the principal and interest of said bonds:—Upon the surren- Conditions.

der of the bonds above mentioned to the State Treasurer, together with the coupons accompanying the same.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 15th, 1851.
NELSON DEWEY.

An Act making an appropriation for the payment of Canal Bond number fifty-four.

Chap. 76.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SEC. 1. That there be and hereby is appropriated, out of any money in the State treasury not otherwise appropriated, to Lyman Chapin the sum of seventy dollars, in full for the interest due on canal bond numbered fifty-four up to December twentieth, eighteen hundred and fifty; and also the further sum of one thousand and thirty-five dollars to be paid on or after the twentieth day of June next, in full for the principal and interest of said bond:—Upon the surrender of the bond above mentioned to the State Treasurer, together with the coupons accompanying the same.

Condition.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 15th, 1851.
NELSON DEWEY.

Chap. 77.

An Act to set apart and incorporate the County of Waushara.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That all that section of country lying and being within the following described boundaries, to wit: Commencing at the south-east corner of township eighteen (18) of range thirteen (13) east, running thence north on the range line to the north-east corner of township twenty (20), thence west on the north line of township twenty (20), to the range line dividing ranges seven (7) and eight (8), thence south on said line to the south-west corner of township eighteen (18), thence east on said line to the place of beginning,—shall be and is hereby set apart and incorporated as the county of Waushara, and the county seat of said county is hereby temporarily located at the village of Sacremento.

Boundaries.

SEC. 2. It shall be lawful for the legal voters at the next

annual general election, to elect such county officers as other organised counties are required by law to elect. County Officers.

SEC. 3. The said county shall be hereby organised into one town, and shall be called the town of Waushara; and the legal voters of said town are hereby authorised at the next annual town meeting, to elect such town officers as they are required by law to elect. Town Meeting.

SEC. 4. The first town meeting shall be held at the house of Cyrus Langworthy, in the village of Sacremento.

SEC. 5. Said county shall for the time being, be attached to Marquette county for judicial purposes.

SEC. 6. Said county shall pay to the county of Marquette annually, the expenses said county of Marquette may incur in the transaction of the judicial business of said county of Waushara. Judicial Expenses.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 15th, 1851.
NELSON DEWEY.

An Act to incorporate the county of Wanpacca.

Chap. 78.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That all that section of country lying and being within the following described boundaries, to wit: Beginning at the north line of towns numbered twenty, at a point where the range line between ranges fourteen and fifteen crosses said line, thence north to the north line of towns twenty-four; thence east to Wolf river; thence up the channel of said river to the north line of towns twenty-five; thence west to the line dividing ranges ten and eleven; thence south to to the north line of towns twenty; thence east to the first mentioned point: shall be and is hereby set apart and shall constitute a county with all the rights and privileges of other counties and shall be known by the name of Wanpacca county, and shall be for the time being attached to the county of Winnebago, for judicial purposes. Boundaries.

SEC. 2. The county seat of said county shall be tempororily established at the village of Mukwa, and two years from the next annual election the voters of said county shall vote for the permanent location of the county seat, and that place receiving a majority of all the votes cast shall be the county seat of said county. County Seat

SEC. 3. The first election for all officers to which said coun- First Election.

ty will be entitled, shall be held at the tavern of H. Rolph, in the village of Mukwa, on the first Tuesday of April next, and all officers elected thereat shall hold their several offices until the first day of January next ensuing, and until their successors are duly elected and qualified.

Sec. 4. Said county shall constitute one town, and for all town purposes, shall be known as the town of Wanpacca, and under such name shall be entitled to all the rights and privileges heretofore granted by law to other organized towns; and the first election for town officers shall be held at the tavern of the aforesaid H. Rolph, in the village of Mukwa, on the first Tuesday of April next, and shall hold their offices for the term of 12 months thereafter, and until their successors are duly elected and qualified: there shall also be elected in said town, at the election herein named, a Town Clerk, Treasurer, and Assessors, who shall hold their said offices for the term of twelve months, and until their successors are duly elected and qualfied: said town Supervisors herein provided for shall hold their meetings at the tavern of the aforesaid H. Rolph, in the village of Mukwa, until otherwise provided by law.

Town Elections.

Sec. 5. That the county of Wanpacca shall pay unto the Treasurer of Winnebago, all costs, fees, charges and expenses that shall be paid by the county of Winnebago that may accrue in consequence of any prosecution, conviction, imprisonment, or proceeding whatever against any person charged with any crime or misdemeanor within said County of Wanpacca; and the Supervisors of the County of Winnebago may sue and collect the same from said County of Wanpacca in any court of competent jurisdiction.

Judicial Expenses.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved February 17th, 1851.
NELSON DEWEY.

Chap. 79. An Act to extend the corporate limits of the city of Kenosha.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. All of the south-west quarter of the north-east quarter of section number six, in township number one north of range number twenty-three east, in the county of Kenosha and State of Wisconsin, is hereby detached from the town of South port, in said county, and annexed to the city of Kenosha, and the same shall hereafter constitute a part of the corporate limits o

said city, and shall in all respects be subject to assessment and taxation, and be under the government and control of said city and the ordinances thereof, in the same manner and to the same extent as though the same had been included within the original corporate limits of said city.

Sec. 2. That portion of section six described in the first section of this act shall until the City Council of said city shall see fit to alter or change the same, constitute and be a part of the third ward of said city.

Sec. 3. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 17th, 1851.
NELSON DEWEY.

An Act to authorise the construction of a dam across the Milwaukee river. **Chap. 80.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section. 1. George W. Foster, his associates, successors, heirs and assigns, are hereby authorised to build and maintain a dam across the Milwaukee river on section twenty-nine, town twelve, range twenty-one east of the fourth principal meridian (in the county of Washington); also to erect mills or other machinery or in any other manner make use of the water for hydraulic purposes: Provided, The erection of the dam shall not flow the lands of others than the said Foster and his associates. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 17th, 1851.
NELSON DEWEY.

An Act to authorise the laying out of a State road in Marquette and Brown counties. **Chap. 81.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Cyrus Langworthy, David H. Robinson and Edgar Sears are hereby appointed Commissioners to lay out and establish a State road commencing at the farm owned by Thomas McLelland, on the Ceresco and Strong's Landing road, thence running north as near as practicable to Weyauwega in the county of Brown, via the village of Sacremento in the Direction

county of Marquette, and the Little River and Weyauwega Mills.

SEC. 2. The Commissioners appointed under the provisions of this act, shall, upon the performance of their work, be entitled to such compensation for their services as the Supervisors of the towns through which said road passes shall allow to be paid by said towns; *provided*, that no part of the expense of laying out said road shall be paid out of the State treasury.

Compensation.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, February 17th, 1851.
NELSON DEWEY.

Chap. 82. An Act to amend an act entitled "An act granting to Marcus Warren and Moses S. Calkins, the right to keep and maintain a ferry across the Wisconsin River," approved February 9, 1850.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That after the twentieth day of October, in each year, and during the season the ice is running in the spring, the proprietors shall be entitled to receive such rates as other ferries on the river receive at such times.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, February 17th, 1851.
NELSON DEWEY.

Chap. 83. An Act to divide the county of Brown and create the county of Outagamie.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That all that portion of country now embraced in the county of Brown, known and designated as Towns 21, 22, 23 and 24, north of ranges 15, 16, 17, 18, and the west half of 19, east, is hereby set off into a separate county, which shall be called and known as the county of Outagamie.

Boundaries.

SEC. 2. That the County of Outagamie aforesaid, shall be organized after the first day of April next, for the purposes of county government, and shall enjoy all the rights, privileges, immunities and powers of the other counties in this state.

SEC. 3. There shall be an election held in the several towns

and precincts, such now are, or may be hereafter established by law on the first Tuesday of April next, for the election of all such town and county officers as the said county by virtue of its organization and the privileges of this act shall be entitled to, who shall severally hold their officers until the first day of January after the next general annual election and their successors are duly qualified. Election of officers.

SEC. 4. The said election shall be conducted in all respects in the manner now provided for holding the same under the law regulating general elections, and the votes cast at the same shall be returned and canvassed as therein provided, and the judges of said election shall issue certificates of election to any person duly elected under the provisions of this act.

County Seat.

SEC. .5 That the seat of justice of said county shall be, and is hereby located at the Town of Grand Chute in said county, and the citizens of said county may at their first election vote for or against the establishment of the seat of justice of said county at any place in said county and the place so receiving a majority of the votes polled at such election shall be the permanent seat of justice.

SEC. 6. Said county so established shall remain attached to the county of Brown for judicial purposes until otherwise provided by law. Duty of Supervisors.

SEC. 7. The County Supervisors so elected on said day of election, shall meet as soon thereafter as may be, at the seat of justice, and with the Clerk of said county, all of whom being first duly qualified according to law and under oath by some person authorised to administer the same, shall then and there proceed to organize said county, and may then and there perform all such duties and services as may be required of them by law, in order that the said county may be organized as contemplated by this act, and to approve the qualifications of other county officers. Judicial Expenses.

SEC. 8. That the county of Outagamie shall pay into the Treasurer of the county of Brown, all costs, fees, charges and expenses, that shall be paid by the county of Brown, that may accrue in consequence of any prosecution, conviction, imprisonment or proceedings whatever against any person charged with any crime or misdemeanor within said county of Outagamie, and the Supervisors of the county of Brown may sue and collect the same from said county of Outagamie in any court of competent jurisdiction.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, February 17, 1851. NELSON DEWEY.

Chap. 84. An Act to appropriate to Rev. Wesley Lattin the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated to the Rev. Wesley Lattin the sum of fifty dollars, for his services as Chaplain during the session of eighteen hundred and fifty, in full, out of any money in the treasury not otherwise appropriated: Provided, that no more than fifty dollars shall be paid the said Lattin for his services as Chaplain for the year eighteen hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved February 17th, 1851.
NELSON DEWEY.

Chap. 85. An Act to appropriate to George H. Slaughter the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to G. H. Slaughter the sum of thirteen dollars, in full for furnishing maps to T. Burns for locating State lands, to be paid out of any money in the treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 17th, 1851.
NELSON DEWEY.

Chap. 86. An Act to appropriate to Moritz Shœfler the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Moritz Shœfler, forty-five dollars, in full, for printing three hundred copies of the Governor's Message in the German language, for the use of the Senate in 1850, and for papers furnished the Legislature for the year aforesaid.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 17th, 1851.
NELSON DEWEY.

An Act to appropriate to Moritz Shoefler the sum therein named. Chap. 87.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Moritz Shoefler, forty dollars, in full, for four hundred copies of the Governor's Message in the German language, for the use of the Senate in the year 1851.

FREDERICK W. HORN,
Speaker of the Assembly,
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 17th, 1851.
NELSON DEWEY.

An Act to amend an act entitled "An Act to authorise Eliphalet S. Miner and Henry Clinton to improve the navigation of the Grand Rapids in the Wisconsin river," approved January 29th, 1847. Chap. 88.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. 1. John Werner, junior, assignee of Eliphalet S. Miner and Henry Clinton, and his heirs and assigns, wherever he shall have so improved the navigation of the Grand Rapids of the Wisconsin river, for running lumber rafts, that four men can run over the said Grand Rapids a single raft of lumber containing not more than twenty thousand feet of lumber, in safety, by using ordinary care and diligence; shall have, exercise and enjoy all the rights and privileges which are granted to the said Eliphalet S. Miner and Henry Clinton by the act of which this is amendatory.

Sec. 2. The said John Werner, junior, shall be authorised and empowered to demand, receive, sue for and recover, six cents per thousand feet of sawed lumber instead of the sum of ten cents, as provided in the act of which this is amendatory. Tolls.

Sec. 3. To enable the said John Werner, junior, to enforce the remedy by attachment, given by the third section of the act of which this is amendatory, it is hereby provided that whenever the said John Werner, junior, his agent or attorney, or his heirs or assigns, or their agent or attorney, shall make and file with any justice of the peace an affidavit stating that any person is justly indebted to the said John Werner, junior, or his heirs or assigns, in any sum for tolls due to him for the running of any raft, flat-boat, scow, or other water craft, over the said Grand Rapids, which sums shall be stated in such affidavit, and stating that such person refuses or neglects to pay such tolls, such justice of the peace shall issue a writ of attachment commanding the Remedy by attachment.

sheriff or constable of the county in which such writ shall issue, to attach such raft, flat-boat, scow or other water craft, or other property of such persons, which property when so attached shall be subject to all provisions of law in relation to property attached in other cases; and the said justice of the peace shall proceed to hear, try, and determine such writ so commenced by attachment and issue execution therein, in the same manner as is provided by law for the hearing, trying, and determining of other suits commenced by attachment before justices of the peace and issuing execution thereon.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 18th, 1851.
NELLON DEWEY.

Chap. 89.

An Act to amend chapter one hundred and twelve of the Revised Statutes relative to proceedings in Attachment.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. In all actions at law now pending in any court or which shall be hereafter commenced by any person, in which a writ of attachment shall be issued in pursuance of said chapter one hundred and twelve (112) it shall be competent for the defendant in such writ of attachment, by plea or answer to deny the existence at the time of making the affidavit required to be annexed to the writ of any one or more of the material facts which shall be stated in the affidavit, whether such fact be stated upon the knowledge or belief of the deponent or otherwise.

Defendant may traverse statements.

Plaintiff to prove.

SEC. 2. The affirmative of such issue raised by said plea or answer of defendant shall be upon the plaintiff in the attachment and it shall be incumbent upon the said plaintiff to prove the statements or facts so traversed, and the trial of such issue shall be by the court in all cases.

SEC. 3. If the court shall find that the statements made by plaintiff in his affidavit are proven, the costs of such issue shall be paid by the defendant, and the suit shall thereafter proceed as if no issue had been made on the affidavit; but if the court shall find for the defendant on such issue, the property attached shall be released, and upon payment of costs of the issue by the plaintiff within twenty-four hours thereafter, he shall be permitted to proceed in his suit as in ordinary cases commenced by summons or declaration, and the said defendant shall appear and defend the said suit thereafter as in ordinary cases, or be liable to have his default entered for non-appearance.

Decision and costs.

Sec. 4. If the court shall find for the defendant on such issue provided for by the first section of this act, the same proceedings shall thereupon be had as is provided by the 28th section of the act of which this act is amendatory, before the plaintiff shall be permitted further to proceed with said suit.

Sec. 5. The traverse of such statements in plaintiff's affidavit may be made at any time before issue is joined in the suit upon the merits of plaintiff's claim or demand.

Sec. 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 19th, 1851.
NELSON DEWEY.

An Act for the relief of the town of Depere in the County of Brown. **Chap. 90.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The Town Superintendent of schools of the town of Depere in the county of Brown is hereby authouised to divide said town into convenient School Districts at any time before the first Monday in April next by giving the necessary and proper notice for that purpose as is now required by law for subdividing a town into school districts in the first instance, any law to the contrary notwithstanding. District Subdivision.

Sec. 2. That the Town Superintendent of schools of the Town of Depere in the county of Brown be and hereby is authorised and empowered to receive and distribute to the several school districts in said town, the full amount of school money which would have been due to them had the said several districts fully complied with the law regulating tha distribution of school moneys for the year ending on the first Monday of April next any law to the contrary notwithstanding. School Moneys

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 19th, 1851.
NELSON DEWEY.

An Act to legalize the official acts of the Town Officers of the Town of Ellington, in Brown County. **Chap. 91.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The Assessment roll of the Town of Elkington,

in the County of Brown, certified to by the Assessors of said town, on the first day of September, 1850, and the warrant of the Town Clerk of said town, for the collection of the taxes, to be collected therein, dated the 14th day of December, 1850, are hereby declared valid in law, to all intents and purposes.

SEC. 2. The official acts of John P. Rynders, the Town Treasurer of said town, in the collection of taxes therein by virtue of the warrant mentioned in the first section of this act, are hereby declared valid in law to all intents and purposes as they would have been if the said treasurer had strictly complied with the law in executing and filling his oath of office and official bond, and as they would have been if the Assessors and Town Clerk of said town had strictly complied with the law in the discharge of their official duties.

Acts confirmed.

SEC. 3. The time for the collection of taxes in said town is hereby extended to the 20th day of March, 1851, and the said treasurer is hereby authorized to levy and collect the taxes now due from delinquents, when the delinquents have personal property, as now provided by law.

SEC. 4. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 20th, 1851.
NELSON DEWEY.

Chap. 92. **An Act to provide for the organization of Electric Telegraph Companies.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION. 1. Any three or more persons desirous of forming a corporation for the purpose of building and working lines of Electric Telegraph, may sign and acknowledge before some officer authorized to take the acknowledgment of deeds, a certificate in writing, in which shall be stated the name of such corporation, and the general route on which such Telegraph line is designed to be constructed, the capital stock of such corporation, the terms of its existence, which shall not exceed thirty years, the number of shares of which said stock shall consist, the number of directors, and their names, who shall manage the concerns of the corporation the first year.

Preliminaries;

SEC. 2. Such certificate shall be filed in the office of the register of deeds in the county where the books of the corporation are kept, and a duplicate thereof shall be filed in the office of the secretary of state.

SEC. 3. When such certificate shall have been filed as afore-

same, and their successors shall be a body politic and corporate, by the name stated in such certificate and by that name may have succession, and shall be capable of sueing and being sued, and they may have a common seal, and may alter the same at pleasure, and they shall by their corporate name be capable of purchasing, holding and conveying any real and personal estate whatever, which may be necessary to enable the said corporation to establish convenient offices in the several towns through which their line of telegraph may pass. Corporate Powers.

Sec. 4. The stock, property and concerns of such corporation shall be managed by a President, and not less than three, nor more than nine directors, including the President, who shall also be a director, and who shall respectively be stockholders in such corporation, and who shall, except the first year, be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the corporation. Management.

Sec 5. Public notice of the time and place of holding such election shall be given, at least ten days previous thereto, by publication in such newspapers as shall be prescribed by the by-laws of the corporation.

Sec. 6. All elections shall be by ballot, and each stockholder shall be entitled to one vote for each share held by him, and the person[s] receiving a majority of the votes shall be directors for the ensuing year, and in case of the death, resignation or removal out of the State, the vacancy shall be filled as prescribed by the by-laws of the corporation. The directors when chosen shall elect one of their number President, who shall preside at all meetings of the board. Election of Directors.

Sec. 7. In case it shall happen at any time that an election of directors shall not be made on the day fixed for such election by the by-laws of said corporation, the corporation for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for directors, as shall be provided for by the by-laws of said corporation, and all acts of directors shall be valid and binding, as against such corporation, until their successors shall be elected. Special Elections.

Sec 8. The directors shall have power to make and prescribe such by-laws, rules and regulations, respecting the management, control and disposition of the stock, property and business of such corporation, as they may deem expedient and proper, not inconsistent with the laws of the United States or of this State, and shall have power to employ officers, clerks and servants for conducting and carrying on the business of the corporation, and determine the duties and the salaries and wages to be paid them. Power of Directors.

Sec. 9. It shall be lawful for the directors to call in and de-

mand from the stockholders, respectively, all sums of money by them subscribed, at such times, and in such payments or instalments as the directors may deem proper, and if any stockholder shall fail to pay the amount so required to be paid, and at the times required for such payments, the stock of such delinquent stockholder, or such portions thereof as may be required to meet such payments, may be sold by the directors at public auction, after giving public notice of the time and place of such sale, at least twenty days previous thereto, by publication of such notice in some newspaper in the county where such delinquent stockholder or subscriber resides, or by giving such delinquent stockholder or subscriber a written or printed notice or leaving such written or printed notice at the usual place of business or residence of such stockholder or subscriber, at least twenty days before the time of sale, and the surplus arising from such sale of such stock over and above the amount due thereon, shall be paid by the directors to such delinquent stockholder or subscriber, and a transfer of the stock so sold, made by the directors or a majority of them in the name of the holder of the stock, shall vest a good and valid title thereto in the purchaser, or the said corporation may commence and prosecute in any court of competent jurisdiction, an action against any subscriber for stock in said corporation, and recover judgment for the amount due on his subscription, with costs and interest thereon from the (time) the same was required to be paid, and have execution therefor.

Collection of Stock subscriptions.

SEC. 10. The stock of such corporation shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the corporation, but no share shall be transferable until the full amount of such share shall have been paid, or have been sold as provided for in the preceding section for non-payment of calls thereon; and it shall not be lawful for such corporation to use their funds in the purchase of stock in any other corporation.

Stock, when transferable.

SEC. 11. The stockholders of any corporation organized under the provisions of this act, shall be personally liable to the extent of their stock in such corporation for all debts which may be due and owing to their clerks, servants and laborers, for services performed for such corporation.

Personal liability.

SEC. 12. All stockholders shall be individually liable to the extent of their stock in said corporations, for all other debts of such corporation, after the corporate property shall have been sold, and execution returned unsatisfied in whole or in part, but such stockholder shall not be liable for debts contracted after he shall have transferred his stock.

SEC. 13. No person holding stock in such corporation as

executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of such corporation, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly.

Sec. 14. Every such executor, administrator, guardian or trustee, shall represent the share of stock in his hands at meetings of the corporation, and may vote accordingly as a stockholder, and every person who may pledge his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a stockholder. Stock representation.

Sec. 15. Any corporation formed under this act, may increase or diminish its capital stock, or extend indefinitely its telegraph lines, and every existing company, or association, heretofore formed, may come under and avail itself of the privileges and provisions of this act, by complying with the following provisions, and thereupon such company, its officers and stockholders shall be subject to all the restrictions, duties and liabilities of this act. Provisions extended.

Sec. 16. Whenever any company or association shall desire to avail itself of the privileges and provisions of this act, or shall desire to extend its telegraph lines, a meeting of the stockholders shall be called by its proper officers, whose duty it shall be to publish a notice of such meeting according to the requirements of the by-laws of such company, or serve a written or printed notice upon each stockholder, at least twenty days previous to such meeting, specifying in such notice the object of the meeting and the amount to which the capital stock is proposed to be increased and the extent to which the telegraph lines is proposed to be extended. Notice of increase or extension.

Sec. 17. At the time and place specified in the notice provided for in the preceding section, the stockholders present in persons or by proxy, shall organise by choosing a Chairman and Secretary, and proceed to vote, and if on canvassing the votes it shall be found that votes representing at least one half of all the shares of stock of such company, or association, have been given in favor of extending said line of telegraph, or increasing its capital stock, or availing itself of the provisions and privileges of this act as aforesaid, a certificate of the proceedings, showing a compliance with the provisions of this act, the extent to which the capital stock is to be increased, and the telegraph line extended, shall be made out, signed and verified by affidavit of the Chairman and Secretary, and such certificate shall be acknowledged by the Chairman and Secretary and filed as required by the first section of this act, and when so filed, the capital of such corporation shall be increased or diminished, and Proceedings under notice.

the telegraph line extended as specified in such certificate as aforesaid, and the company shall be entitled to the privileges and provisions and subject to the liabilities of this act as the case may be.

Sec. 18. The books of the company shall at all times be open to the inspection of stockholders and to all persons having demands against said corporation past due.

Sec. 19. If any operator, clerk, messenger boy, or other person in the employ of said telegraph company, shall reveal the contents of any private message, to any other person than the one to whom it is directed, or to his attorney, or agent, it shall be deemed a misdemeanor, and such person so offending shall be subject to a fine, not exceeding five hundred dollars, or to imprisonment in the county jail, not exceeding one year or both, at the discretion of the court.

Penalty.

Sec. 20. The Legislature may at any time alter, modify, or repeal this act.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 21st, 1851.
NELSON DEWEY.

Chap. 93.

An Act to establish the Baraboo Academy.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows.

Section 1. That James Maxwell, John D. Perkins, R. H. Davis, Charles Armstrong, Ralph G. Camp, Albert G. Tuttle, James A. Maxwell, Marvin C. Waite, Benjamin L. Purdy and D. K. Noyes and their associates together with such persons as may hereafter be associated with them be and are hereby created a body corporate and politic with perpetual succession to be styled by the name and title of the "Baraboo Academy," by which name they and their successors shall be ever known and shall have power to sue and be sued, to contract, and to be contracted with, plead and be impleaded, defend and be defended in all courts of law and equity; said corporation shall have a common seal, and shall have power to purchase, receive, possess, hold and enjoy property real and personal, and to sell and convey the same, rent or otherwise lawfully dispose of, at pleasure.

Incorporation.

Sec. 2. The stock of said company shall be divided into shares of twenty-five dollars each, which shall be deemed personal property and shall be transferable on the books of said cor-

Stock.

poration in such manner as shall be directed by the by-laws of said corporation.

Sec. 3. Any three of the above named persons shall have power to call a meeting of said association by giving ten days notice thereof by posting up notices in at least three public places in said village of Baraboo where said corporation is hereby located. Meetings.

Sec. 4. At the first legally notified meeting the stockholders shall have power to elect by ballot nine Trustees, three of whom shall be elected for one year, three for two years, and three for three years, and after the first election three Trustees may be elected annually: Provided always, That all Trustees shall hold their offices until others are elected in their places. Election of Trustees.

Sec. 5. At all elections and meetings of the company each stockholder shall be entitled to one vote for each share of stock owned by him.

Sec. 6. The Trustees shall have power, *First:* To elect from their number a President, Secretary, and Treasurer, also to elect all other officers of the corporation. *Second:* To call special meetings of the stockholders to fill vacancies in the board of Trustees. *Third:* To sell, lease, mortgage or otherwise dispose of any real or personal property of said corporation in such manner as shall be directed by the stockholders: also to erect and keep in repair all necessary buildings for the use of said corporation. *Fourth:* To employ suitable teachers and prescribe and direct the course of study and discipline to be observed in said Academy. *Fifth:* To prescribe the duty and fix the salaries of all the officers of said corporation and remove and suspend them from office for incapacity, immoral conduct or misbehavior in office and to appoint others in their places. *Sixth:* To make all rules, regulations and by-laws necessary and proper to carry into effect the powers herein granted and not inconsistent with the constitution and laws of this State. Powers of Trustees.

Sec. 7. No religious test or qualification shall be required of any Trustee or officer of said corporation nor of any student of said Institution.

Sec. 8. This act may be amended or altered by any future Legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 21st, 1851.
NELSON DEWEY.

Chap. 94. An Act to incorporate the Milwaukee and Fond du Lac Railroad Company.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Alexander Mitchell, Duncan C. Reed, Edward D. Holton, Levi Blossom, Hans Crocker, Moses Kneeland, Walter P. Flanders, George H. Walker, Daniel Wells, Jr., F. W. Alerding, F. A. Rounthall, Cicero Comstock, J. A. Lapham, Jacob A. Hoover, of the county of Milwaukee; Hildo Opitz, William Wightman and Paul A. Weil, of the county of Washington; and Mason C. Darling, E. W. Davis, John Bannister, E. W. Drury, Edward Pier, O. F. Potter, Alexander W. Stow and Edward H. Smith, of the county of Fond du Lac, be, and they are hereby appointed Commissioners, under the directions of a majority of whom, subscriptions may be received to the capital stock of the Milwaukee and Fond du Lac railroad company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same weekly in a public newspaper printed in the county of Milwaukee, and also in one printed in the county of Fond du Lac.

Commissioners to receive subscriptions.

SEC. 2. The capital stock of said company shall be eight hundred thousand dollars in shares of one hundred dollars each, and as soon as five hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the "Milwaukee and Fond du Lac railroad company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, as far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation.

Corporate powers.

SEC. 3. The said Commissioners, or a majority of them, after the said five hundred shares of stock shall have been subscribed, as aforesaid, shall give at least thirty days' notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet

Notice of Election to be given.

for the purpose of electing thirteen directors, and annually thereafter the said stockholders shall meet on the second Wednesday in January, for the purpose of electing directors as aforesaid, upon like previous notice to be given as aforesaid: Provided, that previous to the first election, the Commissioners hereinbefore named shall elect one of their number President; and they shall perform all the duties, and be invested with all the powers of directors: And provided, that if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: And provided, also, that in case of vacancy from the death or resignation of any director his place may be filled by the board of directors. Proviso.

Sec. 4. The affairs of the said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be President, and shall respectively serve for one year, or until other directors be elected, they shall have power to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company. Election of Directors.

Sec. 5. None but stockholders shall be elected directors, and at every election, and in all cases upon which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of election [s] for directors, the thirteen stockholders having the greatest number of votes shall be declared duly elected.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of the directors shall be a quorum for the transaction of business, who in the absence of the President shall appoint a President, pro tem; the said directors shall appoint a Secretary, Treasurer and such Engineers and other officers as they may find necessary; they shall have power to fix the compensation of all officers, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares Powers of Directors.

of every person or persons failing to pay any instalment so required, at a reasonble period, not less than thirty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts and agreements, with any person, co-partnership, or body politic, whatsoever, as the execution and management of the works and convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company:

Proviso. Provided, That no instalment called in at any one time shall exceed ten dollars per share, and that no instalment shall be called by the directors without at least thirty days' notice thereof in the newspapers hereinbefore mentioned.

SEC. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the President, countersigned by the Secretary, and sealed with the common seal, subject, however, to all payments due, or to grow due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardian or trustees under

Stock transferable. such regulations as may be provided for in the by-laws of the company

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or

Special meetings. by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover, the object of the meeting; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

SEC. 9. The said company shall have power to locate and construct a single or double track railroad from such eligible point in the city of Milwaukee via Iron Ridge in the county of Dodge, to such eligible point in the town of Fond du Lac, in Fond du Lac county, as shall be determined on by a vote of the stockholders holding a majority of the stock of said company, at a special meeting called for the purpose of fixing the location or termination of said road, and shall have power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them; and they

Location and construction. shall also have power to make, construct and erect all such side tracks, turn outs, and connecting tracks, and also all such

warehouses, toll-houses, machine shops, carriages, cars and other works and appendages, as may be necessary for the convenience of the company to the use of the said railroad, and also to connect said railroad and operate the same with other railroads and branch railroads in the State of Wisconsin.

Sec. 10. If said corporation shall not within three years from the passage of this act commence the construction of said railroad, then the rights, privileges, and power of said corporation under this act shall be null and void.

Sec. 11. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding five rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorised by their officers, engineers and agents to enter upon lands adjacent to the railroad beyond the limits of five rods, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses, across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposite earth and gravel taken from deep cuts, and to obtain earth, gravel and other materials, for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage, and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained, and paid for in the manner and agreeable to the provision hereinafter provided, and when such damages shall have been paid for or tendered, the title to the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said company. Occupation of Lands.

Sec. 12. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid to the owner or owners

of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the Judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained, by reason of the taking of the same for the construction and use of said railroad or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, to the said owner or owners, and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace, or other person competent to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above all benefits and advantages which such owner or owners shall derive from the construction of such railroad, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said Judge, and shall return the same within thirty days after their appointment, to the Clerk of the circuit court of the county in which they reside; and it shall be the duty of the said Clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports, as hereinafter provided, then the said Clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: Provided, that either party may appeal to said court within thirty days after said report shall have been filed in the Clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above

Appraisers to be appointed.

Clerk to file report.

Proviso.

the benefits which will accrue to such owner or owners from the construction of such railroad, and judgment of court shall be entered accordingly: Provided also, That it shall not be lawful for [the] said commissioners, or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or *non compusmentus* or absent from the State, the service of notice may be made on their guardian or trustee, if any there be, or in such manner as the court may direct: Provided also, That upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said railroad, may immediately take and use the same, without awaiting the issue or any appeal brought thereon. Proviso. Proviso.

Sec. 13. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same, as fully as if it had been conveyed in fee simple, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: Provided, That the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company, except in cases where upon appeal, the verdict of the jury shall be for the same, or a less sum, than that reported by the said commissioners. Perfection of title. Proviso.

Sec. 14. The said railroad shall be so constructed, as not to impede or obstruct the free use and passage of any public road or roads, which may cross the same, and in all places where such railroad may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made, a sufficient causeway, or passage-way, to enable all persons traveling such public road, to pass over or under such rail road without inconvenience: Provided, That in

Of obstructions by the Company

cases where said railroad may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said company to construct said rail road across or upon such road, after altering and putting the same in as good condition as before, and for that purpose the said company shall previous to occupying any part of such road, construct a new road in part, or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, in as good condition as the same was previous to the disturbance and occupancy thereof by said company.

Sec. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company whenever required, to make a good and sufficient passage-way over or under said railroad, whenever the same may be necessary to enable the occupants of said lands, to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require: Provided, That said company shall in no case be required to make more than one such passage-way for each farm, and when any public road shall cross such railroad, in any farm, the person owning or possessing such farm, shall not be entitled to require said company to make any additional causeway.

Proviso.

Sec. 16. On the completion of said railroad, or of any portion of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall from time to time think reasonable.

Tolls.

Sec. 17. If any person shall willfully and knowingly break, injure or destroy the railroad to be so constructed by said company, or any part thereof, or any work, building or machinery attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty.

Sec. 18. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, That all debts due said company shall be first paid.

Sec. 19. This act shall be favorably construed to effect the purpose thereby intended; and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin, shall be received as evidence thereof.

Sec. 20. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engines or cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor, whether such accident shall take place or not, and shall be punished for every such offence, by imprisonment in the state prison for a term of not less than one, nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged thereby, and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeable to the law in such cases made and provided. Penalties for wilful obstructions.

Sec. 21. The said rail road company are hereby authorised and fully empowered in their corporate name and capacity to borrow any sum, or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other papers and make and execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this state or any other state where such transactions may be made to the contrary notwithstanding; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a railroad from the city of Milwaukee to Fond du Lac, with a branch of said road to Taychedah, are hereby ratified and confirmed, and the contracts and official acts of said company, declared binding in law and equity, upon said corporation and upon all other parties to such contracts. Company may borrow money.

Sec. 22. It shall be lawful for said company to purchase lands adjoining or adjacent to the railroad for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction or repairs of said road, and whenever such lands shall be no longer needed for the pur- Power to purchase Lands.

poses aforesaid the said company are hereby authorised to sell and convey the same.

SEC. 23. The said company are hereby authorised and empowered to extend, lay out, and continue the railroad at any time within five years from the passage of this act from the village of Fond du Lac in the county of Fond du Lac on the west side of Lake Winnebago and Fox River to Green Bay in the county of Brown: and whenever the said company shall decide to extend said railroad as aforesaid, they may increase the capital stock to two millions of dollars, which shall be subscribed in shares of like amount as the orignal stock and for that purpose may open anew their books or new books for the subscription of such additional stock and may appoint such agents to attend to the same as may be necessary for carrying out fully the provisions of this act.

Extension of terminus.

SEC. 24. The said company shall enjoy all the powers in locating, continuing and constructing said railroad, buildings and fixtures from Fond du Lac to Green Bay, as is provided for upon that portion of the road from Milwaukee to Fond du Lac and all powers, regulations, and restrictions and all authority granted to, and liabilities of said company shall not in any manner be abridged, extended, or altered by the increase of capital stock and extension of the road as aforesaid, except such alterations, extension and increase as is duly authorised.

Guaranties.

SEC. 25. In case of a violation by the company of any of the provisions of this act, the Legislature of the State of Wisconsin may resume all and singular the rights and privileges hereby granted to said company.

Resumption.

SEC. 26. This act shall be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 21st, 1851.
NELSON DEWEY.

Chap. 95. **An Act to provide for the time of holding county courts in the county of Marathon.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The term of the county court for the county of Marathon, shall commence on the first Monday in February, May, August and November of each year.

Sec. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 21st, 1851.
NELSON DEWEY.

An Act to provide for the more speedy collection and payment of fines, forfeitures and penalties remaining in the hands of Justices of the Peace. **Chap. 96.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the Town Treasurers of each town in this State, on the first Monday in the months of July, October, January and April in each year to visit each Justice of the Peace in his town, and to demand and receive of and from said Justice of the Peace any and all moneys which may or shall have been received by such Justice of the Peace on account of any fines, forfeitures or penalties adjudged and collected by him against and from any individual or persons on account of any complaint or prosecution on the part of this State. Treasurers to collect moneys.

Sec. 2. The Town Treasurer shall be authorised to demand of any Justice of the Peace of his town, at any time he shall see fit, an examination of his docket and of all entries made therein relative to any complaint, suit or prosecution had by the State against any person, and also of all writs, process and papers of every kind issued in such cases; and it shall be the duty of such Justice of the Peace, on such demand being made, immediately to present such Treasurer for his examination his docket kept by him, and all process, writs and papers on file in his office pertaining to any suit on the part of the State. Docket may be examined.

Sec. 3. Upon the refusal or neglect of any Justice of the Peace to pay over immediately and promptly to the town Treasurer of his town, on the demand of such Treasurer, any and all moneys which shall have been paid to or collected by him for fines, penalties or forfeitures as aforesaid, the town Treasurer is authorised, and it shall be his duty, immediately to prosecute in his own name as such Treasurer, the said Justice of the Peace and his sureties, on the instrument in writing or bond given by such Justice of the Peace in pursuance of section eighty nine of chapter twelve of title four of part first of the Revised Statutes. And such suit may be commenced before any Justice of the Peace of the county, if the amount claimed as unpaid does not exceed the sum of one hundred dollars, and all When Treasurer may sue sureties

judgments obtained shall be binding on the sureties of such Justice, when they have been made parties to the suit.

Sec. 4. It shall be the duty of each town Treasurer, within fifteen days from the first Monday in each of the months mentioned in the first section of this act, to pay over and account for all moneys collected by him by virtue of this act, to the County Treasurer of his county; and also at the time of such accounting and payment to make out and transmit to such County Treasurer, and to the Clerk of the board of Supervisors of his county a written statement, verified by affidavit, of each and all sums received and collected by him, setting forth therein the name of the Justice from whom he received the same, the date of such receipt and collection, the cause of complaint on which such sum was adjudged and the name of the defendant together with the date and time of such complaint and judgment.

Statement to County officers.

Sec. 5. In case any Town Treasurer shall neglect or refuse to pay over and account for within the time hereinbefore mentioned, any and all sums of money received by him by virtue of this act, it shall be the duty of the County Treasurer of the county, immediately to commence suit on the official bond of such town Treasurer against him and his sureties, and to prosecute the same in any court having jurisdiction of the amount claimed as delinquent, and the said town Treasurer and his sureties shall be liable to any judgment that may be obtained for moneys received by such town Treasurer, and not paid over, according to the provisions of this act.

When County Treasurer may sue sureties.

Sec. 6. In case any Justice of the Peace shall hereafter of his own will release any person complained of or accused before him, unless by order of the district attorney, or shall after trial and conviction impose a less fine than is prescribed by law, or after fine imposed shall remit, release or forgive any part of said fine, he shall be held liable to pay the full amount of the lowest fine imposed by law, or the full amount of the fine actually imposed by him, as the case may be. And if he shall give any time or delay to any person upon whom he has imposed any fine, or shall take any bond or security for the future payment of any such fine, he shall be held personally liable for the prompt payment of the said fine according to the provisions of this act, and shall not be entitled to any delay or extension of time from such town Treasurer, in his accounting for and paying over such fine as hereinbefore provided.

Justice personally liable.

Sec. 7. The refusal or neglect of any Justice of the Peace or town Treasurer to account for and pay over any moneys in his hands according to the provisions of this act, shall be deemed an embezzlement of the amount that remains in his hands,

Embezzlement.

within the intent and meaning of sections twenty-six, twenty-seven and twenty-eight of chapter one hundred and thirty-two of title thirty of part four of the Revised Statutes, and shall be punished in the manner in said sections provided.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 21st, 1851.
NELSON DEWEY.

An Act to amend an Act entitled "An Act to incorporate the village of Sheboygan." **Chap. 97.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of section twenty-two of said act, which reads as follows: "And all property which is by law exempted from sale on execution," is hereby repealed.

SEC. 2. All personal property within the limits of the incorporation of said village, which is now exempt by law from execution, not exceeding in value two hundred dollars, shall be exempt from taxation. Exemption.

SEC. 3. If any person whose real or personal estate is liable to taxation in said village, shall at any time before the tenth day of March in each year, make affidavit that the value of his personal estate liable to taxation, after deducting his property invested in the stock of any incorporated company liable to taxation on its capital, does not exceed a certain sum to be specified in the affidavit, or if he shall prove by the affidavit of himself, or that of a disinterested freeholder of said village, not of kin to him, that the value of his real estate does not exceed a certain sum to be specified in the affidavit, it shall be the duty of the Assessors of said village to value such real or personal estate at the sum specified in such affidavit, and the agent or attorney of any person whose property is assessed, may, in all cases, make affidavit as to its value, and such affidavit shall have the same force and effect as if made by his principal. Affidavit to govern assessment.

SEC. 4. The Assessors shall, on the last day of February in each year, give notice in one or more of the public Journals printed in said village, and by placing up in three of the most public places in said village, notices that they, on some day previous to the tenth day of March, will meet for the purpose of allowing all persons who may think themselves aggrieved by the assessment made by said Assessors, to make and bring in affidavits as to the actual amount of property on which by law they are bound to pay the taxes. Assessors to give notice.

Sec. 5. The time in which said Assessors are to deposite their assessment roll with the Clerk of said village, is hereby extended to the tenth day of March in each year.

Sec. 6. All oaths and affidavits to be administered in the assessment or valuation of property for taxation, may be taken before any one of the Assessors, or any person authorised to administer oaths; and the Assessors shall cause all such affidavits to be filed in the office of the Clerk of said village.

Depositions.

Sec. 7. This Act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 21st, 1851.
NELSON DEWEY.

Chap. 98. An Act to alter the boundary lines of the towns of Centre, Fayette and Wiota, in the county of La Fayette.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That sections thirty-five and thirty-six, in town number three, north of range number four east, now embraced within the limits of the town of Fayette, sections thirty-two, thirty-three and thirty-four in town number three north of range number four east, and sections three, four, ten, fifteen, twenty-two and twenty-seven, and that part of sections nine, sixteen, twenty-one and twenty-eight, lying on the north and east side of the Pekatonica river, all in town number two, north of range number four east, and now embraced within the limits of the town of Centre, shall be and is hereby attached to and made a part of the town of Wiota in the said county of La Fayette.

Sec. 2. This act shall take effect and be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 21st, 1851.
NELSON DEWEY.

Chap. 99. An Act to provide for laying out a State Road from Token Creek to Fort Winnebago.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. Sylvester Dutton, George Davis, and Henry

Watterhouse, are hereby appointed Commissioners to lay out and establish a State road from Token Creek in Dane county, to Fort Winnebago in Colombia county, upon the most direct and practicable ground. Provided that no money shall be drawn from the State treasury for any part of the expense incurred thereby.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 21st, 1851.
NELSON DEWEY.

An Act to appropriate to Robert L. Ream the sum therein named. **Chap. 100.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Robert L. Ream, out of any money in the treasury not otherwise appropriated, the sum of four hundred dollars, in full pay and compensation for furnishing four large manuscript sectional maps of the State of Wisconsin, ordered by the Secretary of State, in accordance with the provisions of an act approved February ninth, eighteen hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 21st, 1851.
NELSON DEWEY.

An Act to appropriate to John F. Lessey, former Sheriff of Brown county, the sum therein named. **Chap. 101**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to John F. Lessey, former sheriff of the county of Brown, the sum of fifty-three dollars and fifty cents, to be paid out of any money in the State treasury not otherwise appropriated, for arresting, by request of the officers of the land office at Green Bay, and in accordance with the Governor's requisition, and conveying him to Milwaukee for examination, a German having in his possession a land warrant belonging to Adolph Briggs, a German who was murdered near Milwaukee.

Sec. 2. There is hereby appropriated to John F. Lessey, former Sheriff of the county of Brown, the sum of one hundred

and forty dollars, to be paid out of any money in the State treasury not otherwise appropriated, for services and expenses in conveying Alexander McCarty from Green Bay to Madison and back, on a writ of habeas corpus returnable to the supreme court.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 21st, 1851.
NELSON DEWEY.

Chap. 102 An Act to appropriate to Ira B. Brunson the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Ira B. Brunson, Sheriff of Crawford county, out of any money in the treasury not otherwise appropriated, the sum of ninety dollars and twenty cents, in full for keeping Baptiste Robadean and Oahega, two Chippeway indians, convicts of murder at a special term of circuit court of St. Croix county, in August, one thousand eight hundred and fifty, and confined in Crawford county jail, from the tenth of September to the thirty-first of December, one thousand eight hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, February 21st, 1851.
NELSON DEWEY.

Chap. 103. An Act to authorize the construction of a Toll bridge across Fox River at Little Chute

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Theodore Van Derbrouck, Ephriam St. Louis and M. P. Caulfield, their associates and assigns, be, and they are hereby authorised and empowered to build and maintain a bridge across Fox River, at some convenient point on the rapids at Little Chute, in the county of Brown.

Of Draw. Sec. 2. That said bridge shall not be less than twelve feet wide, and shall contain a draw of sufficient width to pass and re-pass all boats and water crafts without charge or expense, or unnecessary delay.

Sec. 3. The persons herein named, their associates and assigns, shall have power after the completion of said bridge to demand and collect tolls for passing the same as follows: for every vehicle drawn by one horse or mule, ten cents; for every vehicle drawn by two horses, oxen or mules, twenty cents; for every additional horse, ox or mule, five cents; for every foot passenger, three cents, and for all animals in droves, two cents each: Provided, that hogs and sheep shall not be charged more than one cent per head. Rates of Toll.

Sec. 4. The said persons herein named, their associates and assigns, shall keep posted up in some conspicuous place on said bridge, a list of the rates of toll allowed by this act.

Sec. 5. This act may be amended, altered or repealed by any future legislature.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 26th, 1851.
NELSON DEWEY.

An Act to authorize the laying out of a State road in Columbia county. Chap. 104

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Ebenezer Williams, Lemuel Berry and Charles Kingsbury, are hereby appointed commissioners to lay out and establish a continuation of the Beaver Dam and Wyocena state road, from Wyocena through Pardeville on the Puck[a]way road, to the north-east corner of lot number nine, in section number four, of Town twelve, Range ten east; thence on the most practicable route, to the Fort Winnebago and Fox Lake road, eighty rods west of the line between sections thirty-two and thirty-three, in Town thirteen, Range ten east; thence on the best and most practicable route to Fort Winnebago. Location.

Sec. 2. The said commissioners appointed under the provisions of this act, shall, upon the performance of the work, be entitled to such compensation for their services as the supervisors of the towns through which said road passes, shall allow to be paid by said towns: Provided, that no part of said expense shall be paid out of the State Treasury. Compensation.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 26th, 1851.
NELSON DEWEY.

Chap. 105 An Act to appropriate to R. W. Lansing a certain sum of money.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be and is hereby appropriated to R. W. Lansing, the sum of one hundred and twenty-five dollars, out of any money in the treasury not otherwise appropriated, in full for services in arranging, paging, indexing and title-paging, putting up and labelling for book-binder, the "Laws, Resolutions and Memorials of the Territory and State of Wisconsin," done by order of the Secretary of State, under the provisions of section fourteen, of chapter nine, of the Revised Statutes of the State of Wisconsin.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 26th, 1851.
NELSON DEWEY.

Chap. 106 To appropriate to Knud Langland the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to Knud Langland, to be paid out of any money in the treasury not otherwise appropriated, the sum of twenty-six dollars and fifteen cents, in full for printing by order of the legislature, four hundred copies of the Governors's second annual message, in the Norwegian language, and for translating the same.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 26th, 1851.
NELSON DEWEY.

Chap. 107 [An Act appropriating to James W. Seaton the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to James W. Seaton, out of any money in the treasury not otherwise appropriated, the sum of fifteen dollars, in full for advertising in the Potosi Republican, by direction of the Secretary of State, "pro-

posals for doing the state printing," in March, eighteen hundred and fifty.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 26th, 1851.
NELSON DEWEY.

An Act appropriating to Fratney & Herzberg the sum therein named. Chap. 108

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION. 1. There is hereby appropriated to Messrs. Fratney & Herzberg, to be paid out of any money in the treasury not otherwise appropriated the sum of twenty-one dollars and fifty cents, in full for publishing in the Milwaukee Volksfreund, the act in relation to the division of the county of Washington, published by authority contained in said act.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 26th, 1851.
NELSON DEWEY.

An Act appropriating to S. M. Booth the sum therein named. Chap. 109

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to S. M. Booth, to be paid out of any money in the treasury not otherwise appropriated, the sum of fourteen dollars in full for advertising in the Milwaukee Free Democrat, by direction of the Secretary of State, a notice for the payment of interest due on Canal lands in eighteen hundred and fifty.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 26th, 1851.
NELSON DEWEY.

An Act to appropriate to Barstow & Hatch the sum therein named. Chap. 110

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated, out of any mon-

cy in the treasury not otherwise appropriated, to Barstow & Hatch, of Waukeshaw, the sum of six dollars and twenty-five cents, in full for one dozen bottles of ink furnished the Secretary of State January twentieth, eighteen hundred and fifty-one.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 26th, 1851.
NELSON DEWEY.

Chap. 111 — An Act to incorporate the Milwaukee and Humbolt Plank Road Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION. 1. That John H. Hoorer, E. B. Walcott, Harrison Ludington, Byron Kilbourn, John H. Tweedy, Thomas L. Ogden, H. D. Heide, Charles E. Jenkins, C. M. Hunter, John L. Doran, D. A. J. Upham, Elisha Starr, Mathew Steine and William W. Brown, be, and they are hereby appointed commissioners under the direction of a majority of whom, subscriptions may be received to the capital stock of the "Milwaukee and Humbolt Plank Road Company" hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company first giving thirty days notice of the times and places of taking such subscriptions by publishing the same in one or more newspapers printed in the city of Milwaukee.

Commissioners appointed.

SEC. 2. The capital stock of said company shall be thirty thousand dollars, and shall be divided into shares of twenty dollars each; and as soon as one thousand shares of the capital stock shall be subscribed, and one dollar of each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of "The Milwaukee and Humbolt Plank Road Company," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incident to a corporation, to wit: they shall be capable in law of purchasing, holding, leasing, and conveying estate, either real, personal or mixed; and in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which they are authorised by law to do for the interest and well being of said company.

Conditional corporate powers.

SEC. 3. The said commissioners, or a majority of them, after the said one thousand shares of stock shall have been subscribed as aforesaid shall give at least twenty days notice in the newspapers hereinbefore mentioned, of the time and place of meeting of the stockholders for the purpose of electing seven directors, who shall elect one of their number President; and annually thereafter, the said stockholders shall meet on the first Monday in July, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by a majority of the directors for the time being in such newspapers as they may think proper: Provided, That previous to the first election, the commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties, and be invested with all the powers of directors. And provided, That if from any cause an election shall not be held at the regular time specified therefor the same may be held at any other time on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election, and in case of any vacancy in the board of directors, the same shall be filled by the other directors or a majority of them.

Notice of election of Directors

Proviso.

Vacancies, how filled.

SEC. 4. The affairs of said company shall be managed by a board of seven directors, who shall be stockholders, and be chosen annually by ballot by the stockholders of said company, the vote to be given in person or by proxy duly authorised; which directors shall appoint one of their number President; and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States and of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company; each share of stock shall be entitled to one vote, and in all cases of elections for directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

Directors, how chosen.

SEC. 5. Five directors shall constitute a quorum for the transaction of business, who, in the absence of the President, may appoint a President pro tem. The said directors shall appoint a secretary, treasurer, such engineers and other officers as they may find necessary, and fix their compensation, and may demand adequate security for the performance of their respective trusts: they shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding twenty-five per cent in any one instalment, and to forfeit to the use of said company the share or shares of every person or persons failing to pay any instalment, at a reasonable period not less than thir-

Duties of Directors.

ty days after the time appointed for the payment thereof. They shall have power to regulate tolls; to make such covenants, contracts and agreements with any person or persons, or body politic whatsoever, as the execution and management of the works and the convenience and interests of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company. The commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the President and countersigned by the Secretary, subject to all the payments due and to become due thereon; which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws of said company.

Stock certificates transferable.

SEC. 6. The said company shall have power to locate and construct a single or double track plank road from such eligible point in the city of Milwaukee, to Humbolt in the county of Milwaukee, from thence to intersect at the most convenient point with the Fond du Lac plank road, as shall be determined on by a vote of the stockholders having a majority of the stock of said company, and who shall be represented in person or by proxy, at a special meeting called for the purpose of fixing the location or termination of said road, and they shall have power to erect all such toll houses, bridges and other works and appendages as may be necessary for the convenience of said company in the use of said road. The directors shall exercise all powers conferred on them by law, shall audit and pay all accounts; give and receive all such receipts and discharges of debt as shall be deemed best for the interest of said company; fix the compensation and salary of the officers they may appoint, and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure; prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the company, as they shall deem advisable, which may accrue on the shares of the said stock to the stockholders of said company, on the first Monday of July and January of each year.

Of location and construction,

Powers of Directors.

SEC. 7. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereunto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use

Occupation of Lands

such lands for the purposes of said road, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

SEC. 8. When the said corporation cannot agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purchase thereof, or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case, it shall be lawful for any justice of the peace of the county in which the property may lie, to issue his warrant, directed to the sheriff or any constable of said county not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if, at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him or her, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages, and before they act as such, the said sheriff or constable shall administer to each of them an oath or affirmation, that he will faithfully and impartially value the lands or materials required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantage the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all, or a majority of said jurors, and by the sheriff or other officer in attendance, and the said officer shall within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof, as aforesaid, and such valuation when paid, together with the costs of such inquisition, or tendered to the owner or

When jury to be summoned to assess damages.

District Clerk to file proceedings.

owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple: Provided, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear, by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age, or non compos mentis, the service of notice upon the guardian or trustee, (if there be any) or their absence from the county shall be required to be established by affidavit to the said jurors, before they shall proceed to make such valuation: Provided further, That in case of such disagreement, the company shall not take possession of any land or material, until said jury shall have first decided that the taking thereof is necessary, and in the case of materials that the same are not essentially necessary to the owner or owners thereof, for his, her, or their private and proper use.

Perfection of title.

Proviso.

Sec. 9. The shares of stock of the corporation shall be deemed personal property, and every person becoming a shareholder by transfer, purchase, or otherwise, of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the said shares shall be liable to be taken in execution for the payment of the debts of their owners in such manner as is or may be provided by law: Provided, That all debts due said company shall be first paid. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of the said highway until the commissioners of highways for the town through which it passes shall have given their written consent, which shall be recorded in the town Clerk's office, or if the said commissioners refuse to give their consent, the damages to the town shall be appraised or ascertained as in the case of private property, and the amount so appraised for each highway so taken, shall be paid to the said commissioners of the town to which it belongs, to be by them applied in improving the roads in such town.

Shares personal property.

Public damages, how appraised.

Sec. 10. The directors may erect toll-gates and exact toll from persons travelling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than

two animals, one cent a mile for every additional animal. For every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile. For every score of sheep or swine three cents a mile, and for every score of neat cattle four cents a mile; Provided, That persons going to and returning from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll, and no toll shall be exacted of any person or persons while actually going to or returning from any religious meeting on Sunday. Rates of Toll. Proviso.

Sec. 11. If any person shall wilfully and knowingly obstruct, break, injure, or destroy the plank road so to be constructed by said company, or any part thereof, or any work, building or fixture attached to, or in use upon the same, belonging to said company, such person or persons so offending shall each of them, for every such offence be liable in a civil suit for the recovery of damages by said company, by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty for wilful injury.

Sec. 12. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority of amount of such stockholders, provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same. Stock may be increased.

Sec. 13. If said company shall violate any of the privileges hereby granted, the legislature of the State of Wisconsin may resume all and singular the rights and privileges vested in said company by this act.

Sec. 14. Said company shall be liable for all damages that may be sustained by any person or persons in consequence of the omission or neglect to keep said road in good repair and condition. Liability

Sec. 15. This act may be altered or amended by any future Legislature of the State of Wisconsin.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 27th, 1851.
NELSON DEWEY.

Chap. 112 An Act to change the name of Sarah Rape to Sarah Vroman.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Sarah Rape is hereby changed to Sarah Vroman.

SEC. 2. This law shall take effect from and after its passage.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 27th, 1851.
NELSON DEWEY.

Chap. 113 An Act to amend an act entitled "an Act to incorporate the Wisconsin Bridge Company

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four (4) of the act to which this is amendatory, is hereby amended by striking out the words "range six (6)" when they occur in said section and inserting the words "range seven (7)."

SEC. 2. Section five (5) of said bill is hereby amended so as to authorise said company to construct said bridge of the height of thirty feet or less: *Provided*, That if it be constructed of a height less than thirty feet, said company shall construct and attend a suitable draw in said bridge so as to permit the free passage of boats and rafts at all times without unnecessary delay.

Proviso.

SEC. 3. The said company shall not by the erection of any abutment or pier in said bridge divert the water from its natural channel.

Channel to be preserved.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved February 27th, 1851.
NELSON DEWEY.

Chap. 114 An Act to extend the Eastern boundary of Portage County.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Towns twenty-one, twenty-two, twenty-three, twenty-four and twenty-five of range ten east are hereby an-

nexed to and shall hereafter form a part of Portage county for all purposes whatever.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 27th, 1851.
NELSON DEWEY.

An Act to apportion to the counties of Marquette and St. Croix their proportion of the income of the school fund. **Chap. 115**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The State Superintendent is hereby directed to apportion to the counties of Marquette and St. Croix, such proportions of the income of the school fund as they would be respectively entitled to according to the reported number of children in each, over the age of four and under the age of twenty years, whenever the Clerks of the Boards of Supervisors of said counties shall file in his office a certified statement that the amounts required by law to be raised for school purposes, have been directed to be raised during the past year, by the Board of Supervisors of said counties: Provided, that such certificates shall be so filed on or before the first day of May next. Clerks to file Statement. Proviso.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 27, 1851. NELSON DEWEY.

An Act to legalize the organization and acts of School District No. four in the town of Plymouth, Rock county. **Chap. 116.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The act of the Superintendents of common schools of the towns of Plymouth and Newark in the county of Rock in forming and establishing school district number four in the said town of Plymouth, and the organization of said school district be, and the same are hereby declared to be legal and valid.

Sec. 2. This act shall take effect and be in force from and after its passage.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 27, 1851. NELSON DEWEY.

Chap. 117 An Act to legalize the organization and acts of school district Number two, in the town of Newark, in Rock County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act of the superintendents of common schools of the towns of Newark and Plymouth, in the County of Rock, in forming and establishing school district Number two, in the said town of Newark, and the organization of the said school district, be, and the same are hereby declared to be legal and valid.

SEC 2. This act shall take effect and shall be in force from and after its passage.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 27, 1851. NELSON DEWEY.

Chap. 118 An Act to amend an act entitled an act to incorporate the Shullsburg and Mineville Plank Road Company.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That section one of chapter two hundred and one of the session laws of one thousand eight hundred and fifty be so amended as to include the names of A. P. Lyman, J. C. Shadbolt, James Preston, and Patrick Donaher, after the name of S. G. Picket in the list of Commissioners.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 27th, 1851.
NELSON DEWEY.

Chap. 119 An Act to lay out and establish a State road therein described.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Daniel K. Butler, Martin Read and John Collins are hereby authorised to lay out and establish a State road, commencing at the village of Madison, running near Farwell's mills by the most practicable route to the bridge across the Catfish on the south-east quarter of section twenty-two (22) in the town of Westport in the county of Dane, thence north through Lodi, Columbia county, to Matt's ferry on the Wiscon-

sin river: Provided, that no money be drawn from the treasury of the State to pay for laying out said road. Proviso.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 27, 1851. NELSON DEWEY.

An Act to authorise J. & G. Tomlinson to construct a mill race in the village of Port Washington. Chap. 120

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows.

Section 1. J. & G. Tomlinson are hereby authorised to construct a mill race in the village of Port Washington, commencing on lot nine, (9,) of block twenty-two in said village, running along the north side of Canal street to a point opposite lot eight, (8,) of block twenty-three, (23,) thence across said street to lot five, (5,) of block thirty-three, (33:) Provided, That said J. & G. Tomlinson, their heirs or assigns, shall construct a good and substantial cover to said mill race, so as not to damage said street, or in any manner obstruct the free passage of teams or travel, and they are further authorised to continue said race across and in the alley that bounds the south side of block thirty three, (33,) upon the conditions above provided. Proviso.

Sec. 2. This act shall take effect from and after its passage

Sec. 3. This act may be amended or repealed by any future Legislature.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved February 27, 1851. NELSON DEWEY.

An Act to extend the time for collecting taxes in the town of Pleasant Spring, Dane county. Chap. 121

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the time for collecting taxes in the town of Pleasant Spring, in the county of Dane, for the year one thousand eight hundred and fifty, be and the same is hereby extended to the tenth day of March, one thousand eight hundred and fifty-one.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, February 27th, 1851.
NELSON DEWEY.

Chap. 122 An Act to vacate part of a certain street in the village of Port Washington

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of that part of Canal Street in the village of Port Washington which is east of the east line of Lake Street is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 27th, 1851.
NELSON DEWEY.

Chap. 123 An Act to vacate a part of Lake street in the village of Port Washington.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all that part of Lake street in the north-east addition to the village of Port Washington, lying between blocks eight, nine, ten and eleven, on the westerly shore of lake Michigan, be and the same is hereby vacated.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 27th, 1851.
NELSON DEWEY.

Chap. 124 An Act to appropriate to Ole Torgesson a certain sum of money therein named.

SECTION 1. There is hereby appropriated to Ole Togesson the sum of seventy dollars out of any money not otherwise appropriated, in full payment for seven hundred copies of the "Norskes Ven," containing the Governors Message in the Norwegian language.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 27th, 1851.
NELSON DEWEY.

Chap. 125 An Act to appropriate to Albert G. Ellis, the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated, to be paid out of any

money in the treasury not otherwise appropriated, to Albert G. Ellis, the sum of ten dollars, for four days attendance as a witness in case of David E. Wood, contestant, versus William H. Dick.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 27th, 1851.
NELSON DEWEY.

An Act to authorise Alvin B. Carpenter to construct and maintain a dam across Sugar River. **Chap. 126.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section. 1. That Alvin B. Carpenter, his associates, successors and assigns, are hereby authorised to construct and maintain a dam across Sugar River and use the same for hydraulic purposes, on section twenty (20) in township number one (1) north of range number ten (10) east in the county of Rock, said dam to be so constructed as to allow the passage of fish up or down said river.

Sec. 2. This act shall not be so construed as to release Alvin B. Carpenter, his heirs or assigns, from any damage, that any individual or individuals may sustain by the erection of such dam. Limitation.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 28th, 1851.
NELSON DEWEY.

An Act to declare certain roads in the town of Watertown, to be lawful highways. **Chap. 127**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. All roads in the town of Watertown, in Jefferson County, that have been surveyed, and a description thereof recorded or filed in the Town Clerk's Office of said Town, are hereby declared to be lawful highways.

Sec. 2. In case any person through whose lands any of said Highways may run, has never received compensation for the damages caused by such highway, it shall be lawful for such person, within sixty days from the passage of this act, to

Compensation for damages. When to be allowed.

apply to the Supervisors of said town for compensation for such damages, who shall allow the same, if, in their opinion, such person is entitled to any; and such person if not satisfied with the determination of said Supervisors, may, within thirty days thereafter, apply for a jury to assess and appraise such damages, under the provisions of Chapter Sixteen of Title Six, of the Revised Statutes, for the assessment and appraisal of damages by a jury, in cases of appeals from Town Supervisors, in allowing damages upon the laying out or altering of highways.

SECTION 3. This act shall take effect from and after its passage.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 28th, 1851.
NELSON DEWEY.

Chap 128

An Act to amend an act entitled "an act to incorporate the city of Racine in the county of Racine.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Certain officers to have no pay

SECTION 1. Neither the Mayor, nor any member of the City Council, shall receive any pay from the city, for services rendered during his term of office.

How vacancies to be filled.

SEC. 2. In case of a vacancy in any city office, except that of Mayor or alderman, the City Council shall fill such vacancy by appointment; and the person so appointed shall hold his office until the next annual election.

Proof of publication.

SEC. 3. Any newspaper purporting to contain the publication of any by-law or ordinance of said city, shall be prima facie evidence of such publication at the date of said paper.

Extension of Boundaries.

SEC. 4. The limits of said city shall be enlarged by having the north boundary line thereof extended due east to a point two miles east of the north west corner of section nine in said city, and by having the south boundary line thereof, extended due east to a point two miles east from the south-west corner of section sixteen in said city, and by having the east boundary line thereof two miles east from, and parallel to the west boundary line of said city.

Expenses, by whom borne.

SEC. 5. Section thirty-three of the act to which this is amendatory, shall be so amended that each lot and piece of land shall bear the whole expense of making, altering and repairing the sidewalk immediately adjoining it.

SEC. 6. All expenses incurred by authority of section thir-

ty-four in said act, shall be charged to the ward in which the improvements are made, and shall be wholly paid by a tax on the property of such ward. Where a street forms the boundary line of two wards, the expense of improving the same, shall be borne equally by such wards. But no such improvement shall be voted by the City Council, when the aldermen from the ward in which such improvements are to be, shall vote against them. Of Ward improvements.

SEC. 7. The City Council shall have power to establish, construct and keep in repair sewers in said city. All the proceedings in relation to sewers, shall be the same as those provided in said act for laying out new highways. Of Sewers.

SEC. 8. All expenses incurred for improvements authorised by sections thirty-one and thirty-two of said act, and for sewers, which shall not be paid for, by the tax on property directly benefitted thereby, shall be charged to the ward in which such improvement are situate.

SEC. 9. All expenses incurred for public ground, or for improvements on the same, shall be charged to the ward in which such public grounds are situated, and for the purpose of defraying the expenses specified and named in sections six, eight and nine of this act, the City Council shall have power to levy and collect annually, a ward tax on all such real and personal property or capital of any kind within each ward respectively, where such improvements are made or expenses incurred as is subject to taxation by the laws for levying the taxes of this State for the time being, said ward tax to be levied and collected in the same manner as annual taxes are levied and collected in said city. Council to collect a Ward tax

SEC. 10. No highway, street or alley, shall be laid out and established, or discontinued or changed; no sewer shall be established, unless some person interested in the same shall have given public notice in one of the newspapers printed in said city, for two weeks, of the time and place when application will be made to the city council for the same. Said notice shall specify particularly the improvement or alteration which will be asked for, and the last publication thereof shall be at least one week before the time of hearing.

SEC. 11. At the annual election in said city, there shall be elected one assessor instead of five as heretofore. His powers, duties and liabilities shall be the same as provided for assessors in said act, and as town assessors have, except it shall be his duty to assess all the taxable property in said city, and to complete his assessment roll during the months of May and June of each year, and deliver the same to the clerk. Duty of Assessor.

SEC. 12. For the last three days, (Sundays excluded,) immediately previous to the return of the assessment roll to the clerk, the assessor shall attend at the office of the city treasur- Assessor to give notice of revision.

er, for the purpose of reviewing his assessment roll, and shall give two weeks notice of the same in some newspaper printed in said city.

SEC. 13. The assessment of property in said city for city and ward taxes shall stand also as the assessment for county and state taxes.

SEC. 14. During the month of July in each year, the City Council shall decide what per cent. shall be levied and assessed for city taxes, and what per cent. shall be levied and assessed in each ward for ward taxes. The City Clerk shall deliver the tax lists to the City Treasurer on or before the first Monday of September in each year, from which day the taxes shall become a lien upon real estate.

When taxes shall be levied.

SEC. 15. At each annual election hereafter to be held in said city for city officers, there shall be elected one Supervisor in the first ward, one Supervisor in the second and third wards, and one Supervisor in the fourth and fifth wards of said city, who are hereby empowered to meet with and act in the county board of Supervisors, in the same manner, and with the same rights and powers as is or may by law be prescribed and exercised by other members of said board.

Supervisors to be elected.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 28th, 1851.
NELSON DEWEY.

Chap. 129 An Act to authorize Merrick Murphy and his associates to build a dam across the Oconto river.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That Merrick Murphy and his associates, successors and assigns, be, and they are hereby authorised and empowered to build and maintain a dam across the Oconto river, on lots number two and seven, in section number thirty-four, in township number twenty-eight, and range number twenty, on any lands owned by them, at any point on the said lands they may deem most suitable, and to make use of the water of said river for hydraulic purposes.

SEC. 2. Said dam shall not exceed ten feet in height above high water mark, and in some suitable place in said dam, there shall be a good and sufficient slide that will admit the passage of all such rafts, crafts or boats as may navigate the said river.

Slide to be furnished.

SECTION 3. This act may be amended or repealed by any subsequent Legislature.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved February 28th, 1851.
NELSON DEWEY.

An Act to appropriate to the County of Waukesha the sum therein named. **Chap. 130**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the county of Waukesha, out of any money in the treasury not otherwise appropriated, the sum of five hundred and sixty-four dollars and fifty-one cents, in full pay and satisfaction for maintainance and support of state prisoners up to January 1st, 1851, including medicines, medical attendance, clothing, and all other items chargeable therefor.

GEO. H. WALKER,
Speaker of the Assembly pro tempore.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 28th, 1851.
NELSON DEWEY.

An Act to divide the county of Crawford and organise the counties of Bad Ax and La Crosse. **Chap. 131**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the county of Crawford lying between sections nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four, in townships eleven and townships fifteen, north, of ranges two, three, four, five, six and seven west, be and hereby is organised into a separate county, to be known and called by the name of Bad Ax; and all that portion of Crawford county lying north of townships number fourteen north, of ranges two, three, four, five, six and seven, be and hereby is organised into a separate county to be known and called by the name of La Crosse. Division and boundaries

SEC. 2. On the first Tuesday in the month of April next the electors of said counties of Bad Ax and La Crosse shall in addition to electing their town officers vote for and elect all officers necessary for a complete county organisation, and the When County officers to be elected.

county officers so elected shall qualify by bond and oath as prescribed by law, and enter upon the duties of their respective offices upon the third Monday of May and continue in office until the first Monday of January, one thousand eight hundred and fifty-two, and until their successors are elected and qualified. It is hereby made the duty of the Clerk of the board of supervisors of the county of Crawford to make out notices of such elections to be posted in the respective counties upon the publication of this act; and the sheriff of Crawford county shall cause the said notices to be duly posted as in other general elections.

Clerk to give notice of election.

SEC. 3. The county of Bad Ax shall remain one town until the board of town supervisors shall divide the same into three or more towns, and the Supervisors, town Clerk, and town Treasurer may act as and be county officers for such offices respectively.

Of towns in Bad Ax.

SEC. 4. All that portion of the county of La Crosse laying south of townships range number nineteen is hereby organised in a separate town to be called the town of La Crosse, and the towns of Albion and Pine Valley shall retain the present respective boundaries except as herein altered; and the county board of supervisors shall have power at any time to organise new towns or alter the boundaries of any town or towns.

Of towns in La Crosse.

SEC. 5 The county of Crawford as so organised shall constitute and be one town and the town supervisors shall also be the board of county supervisors; the board of county supervisors shall have power at any time to divide the county into three or more towns according to law, when they shall deem it necessary.

Of Towns in Crawford.

SEC. 6. From and after the third Monday of May next, the said counties of Bad Ax and La Crosse shall be organised for judicial [and] county purposes, and for all purposes and matters whatever, and the county of Chippewa shall be attached to the county of La Crosse for judicial purposes. The circuit court shall be holden in the county of Bad Ax on the third Monday of May and fourth Monday of November of each year, and in the county of La Crosse on the fourth Monday of February and the fourth Monday of August of each year.

Circuit Courts, when held.

SEC. 7. All writs, process, appeals, suits, recognizances, or other proceedings whatever already commenced, or that may hereafter be commenced, previous to the third Monday of May next, in the county or circuit court of Crawford county, shall be prosecuted to a final judgment, order, or decree, and execution may issue thereon and judgment, order or decree may be carried into execution in like manner, and the sheriff of said county shall execute all process therein, in like manner as if

Process to continue as commenced.

this act had not passed, any thing in this act to the contrary notwithstanding.

Sec. 8. The returns of all elections provided for in this act shall be made for the county of Bad Ax to the Clerk of the board of Supervisors of the present town of Bad Ax, who shall issue certificates, within ten days from the time of holding such election, to the persons elected to the respective offices. The returns for the county of La Crosse, shall, so far as county officers are concerned, be made to the Clerk of the board of town Supervisors for the town of Albion, and said Clerk shall issue like certificates of election within fifteen days after said election, to the persons duly elected. Returns of election—to whom made.

Sec. 9. The county seat of the county of Bad Ax shall be at such place as the board of Supervisors shall designate, until a place shall be permanently located by election upon that subject, and the qualified electors may vote at any election for the permanent location, and the place (designated by ballot) that shall have a majority of all the votes cast upon that subject, shall be the permanent county seat for said county. Bad Ax County seat.

Sec. 10. The county seat of the county of La Crosse shall be located at the village of La Crosse for the term of three years, upon condition that the people of the town of La Crosse shall furnish suitable buildings for county purposes free of all cost or expense to the county for such buildings: Provided, That if such buildings are not prepared within one year that the county seat shall be permanently located at such place as shall be designated by ballot at any election of the county, previous notice for thirty days having been given, that such election will be held, and the place having a majority of all the votes cast upon that subject, shall be the county seat of said county. And in case no place shall be selected, the board of Supervisors shall designate some suitable place for the same purpose. La Crosse county seat. Proviso.

GEO. H. WALKER,
Speaker of the Assembly, pro tempore.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 1st, 1851.
NELSON DEWEY.

An Act to amend an act entitled "An Act to divide the County of Crawford and organize the Counties of Bad Ax and La Crosse. **Chap. 192**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. All that portion of the county of Crawford in-

cluded within the following boundaries, shall form and constitute, and is hereby organised into a separate county to be known and called by the name of Bad Ax, viz: Beginning at the north-west corner of the county of Richland, thence running south on the range line between ranges two and three west, to the north-east corner of section twenty-four of township eleven, north of range three west, thence west on the section line to the boundary line of this State, in the main channel of the Mississippi river, thence northerly on the boundary line of this State in the said river, to the point of intersection of said boundary line and the township line between townships fourteen and fifteen north, thence east on said township line to the north-east corner of township fourteen north of range one east, thence south on the range line between ranges one and two east, to the south-east corner of township thirteen of range one east, thence west on the township line between twelve and thirteen to the place of beginning: And all of that portion of the county of Crawford lying north and north-west of the said county of Bad Ax be, and hereby is organised into a separate county to be known and called by the name of La Crosse.

Bad Ax, boundaries of.

La Crosse, boundaries of.

SEC. 2. Section one of the act to which this is amendatory is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 1st, 1851.
NELSON DEWEY.

Chap. 133 An Act to incorporate the Female Normal Institute and High School at Milwaukie.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That I. A. Lapham, J. P. Greves, G. P. Hewett, J. H. Tweedy, A. Finch, Jr., G. J. Fowler, J. H. Van Dyke, W. P. Flanders, W. L. Parsons and their successors, are hereby created a body corporate and politic, with the name and style of the "Normal Institute and High School," and shall be trustees of said corporation, for the purpose of the education of females, and for that purpose to remain in perpetual succession.

Creation of trustees.

SEC. 2. Said corporation shall have all the powers and privileges, and be subject to the restrictions and liabilities of chapter fifty-four, of the statutes of Wisconsin, entitled general provisions relating to corporations.

SEC. 3. The said trustees and their successors shall have

power and authority to direct and prescribe the course of study and discipline in said institution; and also to select and appoint a president, and such professors and tutors, and such other officers as said trustees shall deem proper; all of whom shall hold their offices during the pleasure of said trustees. Powers of trustees.

SEC. 4. The said trustees and their successors shall have power and authority to grant such literary honors and degrees as are usually granted by colleges and seminaries of learning in the United States, and in testimony of such grants to give suitable diplomas under their seals, which diplomas shall entitle the possessors respectively, to the immunities and privileges which by usage or statute are allowed to the possessors of similar diplomas granted by colleges and seminaries of learning.

SEC. 5. Said trustees shall also have authority to establish a normal department of said institution, for the education and training of female teachers, under such regulations as they may from time to time prescribe. Of normal department.

SEC. 6. Said trustees shall continue in office during their life or pleasure, unless removed as hereinafter provided; and shall have power to fill all vacancies occasioned by death, resignation or otherwise; and to increase their number to fifteen at their discretion. Any trustee may be removed by a vote of two-thirds of the board, for mal-conduct or for neglect of duty for one year. Trustees may fill vacancies.

SEC. 7. The trustees shall faithfully apply all funds by them collected or received, or the proceeds thereof, according to the best of their judgment, in erecting buildings, supporting the necessary officers, instructors and servants, in procuring books and apparatus, and such other purposes as are necessary for the success of the institution. Of funds and their management.

SEC. 8. Said corporation shall have power to hold real estate sufficient for all necessary purposes connected with the institution.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 1st, 1851.
NELSON DEWEY.

An Act to amend an Act entitled "An Act to provide for the continuation of the Lisbon and Milwaukee Plank Road to Watertown and Madison **Chap. 134**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Madison, Watertown and Milwaukee Plank Road Company is hereby authorised under the laws of its incorporation, and amendatory thereto to construct a branch of said road running from a point in said road near the Junction House

in the town of Brookfield and the village of Waukesha and to erect a toll gate on said branch, and may demand and receive on said branch and main road the same rates of toll that are now allowed to Plank Road Companies in pursuance of an Act of the Revised Statutes concerning the incorporation of Plank and Turnpike Road Companies.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 1st, 1851.
NELSON DEWEY.

Chap. 135 An Act authorising the sale of the unsold odd numbered Sections of Milwaukee and Rock River Canal Grant, for the use of Schools.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Commissioners for the sale of the School and University lands, to sell at private entry, all the unsold odd numbered Sections of the Milwaukee and Rock River Canal Grant, at their appraised value, for the use of Schools.

Pre-emption grant.

SEC. 2. The purchasers and occupants of said lands shall be subject to all the liabilities and benefits, as provided by law for the pre-emption and sale of the other School lands.

SEC. 3. This Act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 1st, 1851.
NELSON DEWEY.

Chap. 136 An Act supplimentary to "An Act to authorise the assessment and collection of taxes in the city of Milwaukee" approved January 24th, 1851.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The special tax or taxes mentioned in section four (4) of the act to which this is supplementary shall not be construed to mean and include any tax or assessments levied upon lots or pieces of land for building and constructing any docks or wharfs or for opening, widening, grading, gravelling, filling or making any streets, alleys, lanes or sidewalks, or for abating any nuisance in any of the wards of said city where

there is now in force any general or special provision by law or ordinance relating to any such docks or wharfs, streets, alleys, lanes, sidewalks or nuisances: But the taxes for such purposes in such cases shall be levied by the Aldermen of the respective wards in which such improvements shall be made or nuisance abated in accordance with such laws or ordinances as are in force relating thereto. Legal construction.

Sec. 2. Said taxes shall be levied by the Aldermen aforesaid and a return thereof shall be made under their hands at such time as the Common Council may prescribe to the Clerk of said city who shall file the same in his office, and the several amounts of taxes in said return contained shall be carried into the general tax list and set opposite to the respective lots upon which the same may be levied or assessed in a separate column for that purpose and the said tax or assessment so made out shall be regarded for all purposes of collection as a general tax, and shall create a like lien upon the lots and pieces of land upon which the same may be levied and assessed as aforesaid. Tax, when considered general.

Sec. 3. In case of the non-payment of said tax together with such other taxes as may be levied upon said lots and pieces of land at the time limited for the payment of the general tax of said city the same shall be sold pusuant to the provisions of section ten (10) of the act to which this is supplementary; and the said lots or pieces of land upon which the said tax or taxes may be levied or assessed shall be subject to all the provisions, limitations, restrictions and liabilities in said section ten (10) contained or to which it refers, and for the purposes of enforcing collection of said tax by sale for non-payment thereof the same shall be deemed a general tax. When Lands to be sold.

Sec. 4. It shall be the duty of the Secretary of State immediately upon the passage of this act to cause the same to be published by the Public Printer in a newspaper published at Madison, and the same shall be in force from and after such publication.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 1st, 1851.
NELSON DEWEY.

An Act to appropriate to Edward H. Rudd the sum therein named. Chap. 137

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Edward H.

Rudd, the sum of two hundred and thirty-nine dollars, out of any money in the treasury not otherwise appropriated, in full payment for furnishing and engraving forty-seven seals for the use of the State of Wisconsin.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 1st, 1851.
NELSON DEWEY.

An Act to provide for the laying out of a state road in the county of Brown.

Chap. 138

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Burr S. Craft, Clark Knight, and George M. Lowe be, and they are hereby appointed commissioners to lay out and establish a state road from the Grand Kauhana, in the county of Brown, to the Oneida settlement, passing through towns twenty-one and twenty-two, north range, eighteen east, and towns twenty-one, range nineteen east.

Sec. 2. The commissioners, for laying out said road, shall receive such compensation as the board of Supervisors of the county of Brown may determine: Provided, That no part of the expense of laying out said road shall be paid out of the State Treasury.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 1st, 1851.
NELSON DEWEY.

An Act to appropriate to H. Van Duzen the sum therein named.

Chap. 139

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to H. Van Duzen sixteen dollars and fifty cents, out of any money in the treasury not otherwise appropriated, in full payment for medicine and attendance on David J. Odell and Levi Bates, State convicts during the year of our Lord one thousand eight hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 1st, 1851.
NELSON DEWEY.

An Act to amend an Act entitled "An Act to incorporate the Sheboygan and Fond du Lac Road Company. Chap. 140

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for the company incorporated by the Act entitled "An Act to incorporate the Sheboygan and Fond du Lac road company" approved March eleventh, eighteen hundred and forty-eight, and they are hereby authorised and empowered to extend the road authorised to be constructed by said act from Fond du Lac by way of Rosendale to some eligible point on Fox River north of Green Lake, and also to construct a branch of said road from Fond du Lac by way of Rosendale to some eligible point on Fox River south of Green Lake.

Sec. 2 The said two points on Fox River shall be located by said company by the first day of June next.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 5th, 1851.
NELSON DEWEY.

An Act to incorporate the Milwaukee and Green Bay Plank Road Company. Chap. 141

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That F. Rosenthal, George Schmidt, Ernst Salomon, Joachim Grauhagen, F. W. Allerdury, D. Richards, John Link, Rich Carlisle, L. Marke, John Bertsdry and H. G. Post be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Milwaukee and Green Bay plank road company hereby incorporated; and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscription by publishing the same in one or more newspapers printed in the city of Milwaukee. Commissioners to receive subscriptions.

Sec. 2. The capital stock of said company shall be twenty-five thousand dollars, and shall be divided into shares of twenty dollars each, and as soon as two hundred shares of the capital stock shall be subscribed and one dollar of each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body politic and corporate by the name and style of Constitutional corporate powers.

the "Milwaukee and Green Bay Plank Road Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation, to wit: They shall be capable in law of purchasing, holding, leasing and conveying estate either real or personal or mixed, and in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which they are authorised by law to do for the interest and well-being of said company.

Commissioners to give notice of election.

SEC. 3. The said commissioners, or a majority of them, after the said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspaper hereinbefore mentioned, of the time and place of meeting of the stockholders, for the purpose of electing seven directors, who shall elect one of their number President, and annually thereafter the said stockholders shall meet on the first Monday in May for the purpose of electing directors as aforesaid, on a like previous notice to be given by a majority of the directors for the time being, in such newspapers as they may think proper. Provided, that previous to the first election the commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors; and provided, that if, from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of irregularity or want of such election; and in case of any vacancy in the board of directors the same shall be filled by the other directors or a majority of them.

Proviso.

Vacancies, how filled.

SEC. 4. The affairs of said company shall be managed by a board of seven directors who shall be stockholders, and be chosen annually by ballot, by stockholders of said company; the vote to be given in person or by proxy duly authorised; which directors shall appoint one of their number President, and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, orders and regulations not inconsistent with the constitution or the laws of the United States and of the State of Wisconsin as may be necessary for the well ordering of the affairs of said company. Each share of stock shall be entitled to one vote, and in all cases of election for directors the seven stockholders having the greatest number of votes shall be declared duly elected.

Powers of Directors.

SEC. 5. Five directors shall constitute a quorum for the

transaction of business, who, in the absence of the President, may appoint a President pro tem.; the said directors shall appoint a Secretary, Treasurer, such engineers and other officers as they may find necessary, and fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have the full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding twenty-five per cent in any one instalment, and to forfeit to the use of said company the share or shares of every person or persons failing to pay any instalment at a reasonable period, not less than thirty days after the time appointed for the payment thereof, they shall have power to regulate tolls, to make such covenants, contracts and agreements with any person or persons or body politic whatsoever as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all operations, receipts, disbursements and other proceedings of the company; the commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the President, and countersigned by the Secretary, subject to all the payments due and to become due thereon; which stock shall be transferable in person or by attorney, executors, adminstrators, guardians or trustees, under such regulations as may be provided by the by-laws of said company.

Certificates of Stock to be transferable.

Sec. 6. The said company shall have power to locate and construct a single or double track, plank or gravel road from Third street in the second ward of the city of Milwaukee, to Good Hope in the town and county of Milwaukee, on or as near as practicable to the Green Bay road, to some point in the northern part of the town of Granville as shall be determined upon by a vote of the stockholders having a majority of the stock of said company, and who shall be represented in person or by proxy at a special meeting called for that purpose. They shall have power to erect all such toll-houses, bridges, and other works and appendages as may be necessary for the convenience of said company in the use of said road. The directors shall exercise all powers conferred on them by law, shall audit and pay all accounts, give and receive all such receipts and discharges of debt, as shall be deemed best for the interest of said company, fix the compensation and salary of the officers they may appoint, and meet at such times and places as they may provide in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure, prescribe the meetings of the stockholders, and declare and pay the dividends, or as much

Location and construction to be decided at a special meeting.

When dividends may be declared

of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of said stock to the stockholders of said company, on the first Monday of May and December in each year.

Appropriation of Lands—how made.

SEC. 7. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of and use such land for the purpose of said road, not exceeding four rods in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

When jury may be summoned to assess damages.

SEC. 8. When the said corporation cannot agree with the owner or owners of any land, gravel, stone or other materials required for the construction of said road for the purchase thereof, or the compensation to be paid therefor or when by reason of the absence or legal incapacity, of the owner or owners, no such agreement, or purchase can be made, then, and in any such case, it shall be lawful for any Justice of the Peace of the county in which the property may lie to issue his warrant directed to the sheriff or any constable of said county, not directly interested requiring him to summon a jury of nine freeholders of said county not interested in said property to meet at some convenient place at or near the property to be valued on a day in the said warrant named not less than five nor more than ten days from the date of such warrant: and if at the time and place named any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance as jurors to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him or her, strike off each two of said jurors and the remaining five shall act as a jury of inquest of damages; and before they act as such the said sheriff or constable shall administer to each of them an oath or affirmation that he will faithfully and impartially value the lands or materials required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment: Whereupon the said parties shall proceed to

view the said land and materials so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all or a majority of said jurors and by the sheriff or other officer in attendance, and the said officer shall within five days thereafter transmit the same to the Clerk of the Circuit Court of the proper county who shall file the same; such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value threof as aforesaid, and such valuation when paid together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said Court, shall entitle the said Company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple: Provided, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in absence of the owner or owners thereof, his, her, or their legal representatives, unless it shall be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the County, and if such owner or owners are under age or non compus mentis, the service of notice upon the guardian or trustee (if there be any) or their absence from the county shall be required to be established by affidavit to the said jurors before they shall proceed to make such valuation: Provided further, That in case of such disagreement the company shall not take possession of any lands or materials until said jury shall have first decided that the taking thereof is necessary, and in the case of materials, that the same are not essentially necessary to the owner or owners thereof for his, her, or their private and proper use.

Verdict to be filed with Clerk of Circuit Court.

Perfection of title to Land.

Proviso.

Upon whom notice may be served.

Proviso.

Sec. 9. The shares of stock of the corporation shall be deemed personal property and every person becoming a shareholder by transfer, purchase or otherwise of shares of said stock shall succeed to all rights and liabilities of the prior holder of said share or shares, and the said shares shall be liable to be taken in execution for the payment of the debts of their owner in such manner as is or may be provided by law: Provided, That all debts due said company shall be first paid. Whenever the route of the road follows the line of a public highway, said company shall not take possession of the said highway until the commissioners of highways for the town through which it passes shall have given a written consent, which shall be recorded in the town Clerk's office, or if the said commissioners refuse to give their consent then the damage to the town shall be appraised or ascertained as in the case of private property, and the amount

Shares of Stock declared personal property.

Proviso.

When Town Commissioners to give consent to use of Highways.

Proviso. stockholders shall meet to elect directors: Provided, That until the first election of directors, the said commissioners above named, upon the subscription of five hundred shares of stock, and the organising of said commissioners by the election by them of one of their number President, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Board may fill vacancies.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorised, and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote; and the majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

Stock to vote.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organise by choosing one of their number President, and they shall have power to appoint a Secretary and Treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of the State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

Powers of directors.

Powers of directors.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon, for failure to pay such instalments as may be called for, and also to accept, in behalf of the company, a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the

same, valid releases, discharging them from all liabilities thereafter, for or on account of the acts of said company or its officers.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name, and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she, or they, shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the President, and countersigned by the Secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. Certificates of Stock transferable.

SEC. 8. The said company shall have power to locate and construct a single or double track road from the west end of West Avenue Street, in the village of Watertown, Jefferson county, to the village of Portland, and thence to some point at or near the village of Waterloo, in the same county, and by the most eligible and practicable route, as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages. Location and construction.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: Provided, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of such road, as may endanger said road by falling or otherwise. In what manner lands may be taken. Proviso.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material

required for the construction of said road for the purpose thereof, or for the compensation to be paid therefor, or when, by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any Justice of the Peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said Justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if, at the time and place named any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him, her or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road; and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said Justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the Justice of the Peace; and the said Justice of the Peace shall, within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation, when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the saidcompany to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: Provided, that it shall not be lawful for any Justice or jury of inquest to proceed in the valuation of any such property or mate-

When jury to be summoned to appraise damages.

Evidence and verdict to be sent to Clerk of Court.

Perfection of title.

Proviso.

rial, in the absence of the owner or owners thereof, his, her, or their legal representative, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like menner be shown that such owner or owners are under age, or non compos mentis. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: Provided, that no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof: Provided, that any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situate, as in ordinary cases of appeal. Proviso. When parties may appeal.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway, now or hereafter to be laid out, opened and established by the proper authorities, and of such width, and in such manner as the said directors shall determine: Provided, they procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town, for the construction of such proposed roads, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town Clerk's office of the town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll-gates and exact toll from persons travelling on their road, whenever four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile: for one score of sheep or swine one cent per mile; and for every score of neat cattle four cents per mile: Provided, that persons going to and from military parade at which they are required by law to attend, and persons going to or returing from funerals shall be exempt from toll; the toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate an animal or carriage subject to toll, until the toll thereon is paid. Proviso. Of Tolls. Proviso.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per centum per annum for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes, for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, or any of them, in the same manner as if the same were made payable to individuals, or to their order or assigns.

Securities may draw interest, and be transferable.

Sec. 13. If any person shall wilfully, or knowingly, obstruct, break, injure, or destroy the said road, to be constructed by said company, or any part thereof, or any work, building, or fixtures attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall, each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed; and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for wilful obstruction.

Sec. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages done to the profits of said company in an action of trespass.

Avoidance of Toll.

Sec. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

Capital Stock—how increased.

Sec. 16. If said corporation should not, within three years from the passage of this act, commence the construction of said Plank Road, and expend three thousand dollars or more thereon, and shall not, within ten years from the passage of this act, construct, finish, and put in operation a single of double track of Plank Road from Watertown to Waterloo in the said Jefferson county, Wisconsin, then the rights, privileges and powers of the said corporation under this act shall be null and void. Conditions of Charter.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Sec. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 5th, 1851.
NELSON DEWEY.

An Act to provide for the submission of the question of "Bank or no Bank." Chap. 143

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The question of Bank or no Bank shall be submitted to the electors of this State at the next general election.

Sec. 2. Every elector in voting at said election may have written or printed, or partly written and partly printed, on the vote so cast the words "Bank," or "no Bank." Ballot to be on the general ticket.

Sec. 3. The ballots so cast shall be canvassed and returned in the same manner as the votes cast for State officers are required by law to be canvassed and returned, and the Secretary of State shall communicate to the next legislature at the commencement of its session, a statement of the result of such canvass. Result to be communicated to Legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 5th, 1851.
NELSON DEWEY.

An Act to authorise the construction of a free bridge across the Milwaukee River in the town of Milwaukee. Chap. 144

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Joseph Anderegg, Joachim F. Gruenha-

gen of the town of Milwaukee, William H. Lindevurm of the city of Milwaukee, and their associates, are hereby authorised to erect and maintain a free bridge across the Milwaukee River at the place where the north and south centre line of section No. five, of town No. seven, north of range No. twenty-two east, crosses said river.

SEC. 2. Said bridge shall be so constructed as not to prevent the free navigation of said river.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 5th, 1851.
NELSON DEWEY.

Chap. 145 An Act defining the boundaries of the Village of Westfield, formerly Haraxthy, in the county of Sauk.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Location. SECTION 1. The village of Westfield, in the county of Sauk, heretofore laid out and called and known by the name of Haraxthy, is hereby declared to be located upon section twelve, township nine, in range six, east of the fourth principal meridian.

Description to be amended. SEC. 2. The District Surveyor of the county of Sauk, is hereby authorised and required to ascertain the correct description of the land included in the town plat of the village of Haraxthy, as originally recorded, and the register of the county is hereby authorised to append the same to the record.

Certified amendment valid. SEC. 3. The certificate of the Surveyor when thus made and appended to the original record, shall be as valid and as effectual in establishing the boundaries of the village of Westfield, as though originally placed there.

SEC. 4. No money shall be drawn from the State Treasury to pay for such survey and record.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 5th, 1851.
NELSON DEWEY.

An Act to lay out a State road in the counties of Jefferson and Waukesha. **Chap. 146**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That John Heath, Ezra W. Lurvey and Talbot C. Dousman are hereby appointed commissioners to lay out and establish a State road commencing at an angle-post in the Jefferson and Milwaukee road, on section nine in the town of Sullivan, county of Jefferson, thence to Heath's Hill on section fourteen, range sixteen, town six, thence by the most feasible route to Gifford's corners, in the town of Ottawa, county of Waukesha. Provided, no money shall be drawn from the State treasury to defray the expenses thereof.

Sec. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, 5th, 1851.
NELSON DEWEY.

An Act to lay out a State Road from Grand Rapids in Portage County to Prairie La Crosse. **Chap. 147**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Timothy Burns, G. W. Cote and John Werner, Junior, are hereby appointed commissioners to lay out a State Road from Grand Rapids in Portage county to Prairie La Crosee on the nearest and best route: Provided, That no part of the expense of laying out said road shall be paid out of the State Treasury.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 5th, 1851.
NELSON DEWEY.

An Act to incorporate the Fox and Wisconsin river Plank Road Company. **Chap. 148**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. A. B. Bowen, E. C. Foote, J. S. Buck, John Stephens, A. E. Horton, N. F. Bliss and Angus McCaluey, be and are hereby appointed commissioners, under the directions of

a majority of whom, subscriptions may be received to the capital stock of the Fox and Wisconsin river plank road company, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of receiving subscriptions, by publishing in a newspaper printed either in the county of Portage or Brown, and if there should be no newspaper printed in either of the said counties, then in some newspaper printed in some county thereto adjoining.

Commissioners to give notice that subscriptions will be taken.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, with continual succession, by the name and style of "The Fox River Plank Road Company," for the purpose of constructing a Plank Road from Stephen's Point in the county of Portage, to Grand Chute in the county of Brown; and also to construct a branch Plank Road to the Grand Kaukana and also to connect with the Manitowoc and Menasha Plank Road, at such point as may be deemed advisable by said company; which company shall have power to sue and be sued, in all courts, to receive by gift or purchase, and hold all such real and personal estate as may be necessary for the construction and management of said road, and the same to sell, convey or lease, to contract or be contracted with in all matters pertaining to the object of said road; to have and to use a common seal, and pass all by-laws necessary for the government of said company.

Grant of corporate powers.

SEC. 3. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of twenty dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company.

Stock transferable.

SEC. 4. Whenever ten thousand dollars of the capital stock shall be subscribed for and distributed, and ten per cent paid thereon to said commissioners, for the use of said company, it shall be the duty of the commissioners named in this act to call a meeting of the stockholders at such time and place as they shall designate by giving public notice thereof in a newspaper published in either of the counties through which said road is run, or if no newspaper is published in either of the counties through which said road is run, then by publishing the same in an adjoining county for the purpose of choosing seven directors for said company and the persons then chosen shall be the first directors of said company and shall hold their office for one year and until others are chosen in their stead. The board of directors shall choose one of their number President of the company, who shall hold his office one year and until his success

Commissioners to give notice of election of Directors.

or is elected. At every election of said company each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

Manner of construction to be fixed by Directors.

Sec. 5. The company when organised shall have the right to locate or construct a single or double track plank road between the points mentioned in the second section of this act, or any part of the distance, and may connect the same with any other plank road. The track of said road shall be constructed of timber and plank, charcoal, stone or gravel, or partly of each, so as to have a hard, smooth and even surface. The particular manner of building said road to be determined by the said board of directors.

Location—how determined.

Sec. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the proper authorities of the town in which said road may be, for the right to use said highway for the purposes of said road, and the said proper authorities are hereby authorised to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon.

Conditional occupation of Lands.

Sec. 7. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereunto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings, or any fixtures for the purpose of trade or manufacturers, or any yard or enclosures necessary to the use and enjoyment thereof, without permission from the owners; and when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands to the width of four rods; and also to take from any lands adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as may be awarded by any court of competent jurisdiction.

Sec. 8. The directors of said company may appoint a secretary, treasurer, and such other officers as they may find necessary, and shall have full power to decide the time and manner and proportions in which said stockholders shall pay the money due on their respective shares, and to forfeit to the use of said company any share or shares held by any person or persons failing to pay any instalment so required to be paid, after

Shares—when forfeited.

advertisement of the same for a period of not less than sixty days in a newspaper as hereinbefore provided: Provided, that no instalment called in at any one time shall exceed four dollars per share, and no instalment shall be called in by the directors without giving at least thirty days' notice thereof in a newspaper as aforesaid.

Proviso.

Certificate of Stock transferable.

Sec. 9. The directors elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they shall subscribe for, or hold in the said company, signed by the president, countersigned by the secretary and sealed with the common seal, subject however to all the payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided in the by-laws of the company.

Sec. 10. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by the directors, or by any number of stockholders holding one fourth in amount in capital stock of the company, on like notice as required for annual meetings, but no business shall be transacted at such special meetings unless a majority in value of all the stock shall then and there be represented.

Special meetings, how called

Sec. 11. On the completion of said road or any portion of the track not less than three consecutive miles, the company may erect one or more toll-gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they think reasonable not exceeding two cents per mile for any vehicle drawn by one or two animals; one cent per mile for every additional animal; for every horse and rider or led horse one cent per mile; for every score of sheep or swine one cent per mile; and for every score of neat cattle two cents per mile.

Rates of Toll.

Penalty for wilful obstruction.

Sec. 12. If any person shall wilfully or knowingly obstruct, break or injure or destroy the road so to be constructed by said company, or any part thereof, or any work or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction of such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Property subject to execution in payment of debt.

Sec. 13. The property of every individual, which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, that all debts due said company from such individuals shall be first paid.

Directors, when individually liable.

Sec. 14. The debts and liabilities of said corporation shall not exceed in amount at any one time fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities as provided for in this act.

Stock—how increased

Sec. 15. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company to complete said road.

Limitation.

Sec. 16. If said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company in relation to said road and the use of the same.

Liability of Company.

Sec. 17. The said company shall be liable for all injury which any person may sustain in his person or property, by reason of the said road being out of repair, or of any defect in said road.

Sec. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 6th, 1851. NELSON DEWEY.

An Act to amend Section Fifty-six of Chapter Sixteen, of the Revised Statutes

Chap. 149.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That so much of Section fifty-six, of chapter sixteen, of the Revised Statutes, as provides that the damages allowed by the Supervisors in the laying out or altering any highway, shall not in the aggregate exceed fifty dollars upon any one road so laid out or altered by them, is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 6th, 1851. NELSON DEWEY.

Chap. 150. An Act to amend Chapter nineteen, of Title seven, part first of the Revised Statutes.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That so much of Section forty-two, of Chapter nineteen, Title seven, part first of the Revised Statutes, as make it the duty of the Town Superintendent of Common Schools to apportion the school monies received from the Town and County Treasurers, on the first Monday of April in each year, is hereby repealed, and hereafter it shall be the duty of the said Superintendent to apportion the School monies received from the Town and County Treasurer, on the first Monday of March in each year, or as soon thereafter as they shall receive the same: Provided, That nothing in this act shall be so construed as to interfere with the provisions of an act for the apportionment of School moneys for the year one thousand eight hundred and fifty-one.

When Town Superintendent of Schools to apportion monies.

Proviso.

Of Notice.

SEC. 2. The notice hereafter required by subdivision twelve, of section eleven of said chapter nineteen, shall be the same as that provided in section twenty-nine, of said chapter nineteen.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 6th, 1851.
NELSON DEWEY.

Chap. 151 An Act to appropriate to C. Clements the sum of money therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to C. Clements, out of any money in the treasury not otherwise appropriated, the sum of five dollars, in full for publishing proposals for doing the State printing in 1850, which notice was published in the Kenosha Telegraph, by order of the Secretary of State.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 6th, 1851.
NELSON DEWEY.

Chap. 152 An Act to appropriate to Timothy Burns the sum therein named

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Timothy Burns the sum of six hundred and twenty-one dollars, in full for ser-

vices as commissioner in locating state lands, to be paid out of any money in the treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 6th, 1851.
NELSON DEWEY.

An Act to appropriate to Thomas Bullen the sum of money therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows: Chap. 153

SECTION 1. There is hereby appropriated to Thomas Bullen, to be paid out of any money in the treasury not otherwise appropriated, the sum of ten dollars in full payment of principal and interest due on Territorial Scrip numbered eight hundred and eighty-nine, dated February nineteenth, eighteen hundred and forty-two.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 6th, 1851.
NELSON DEWEY.

An Act to appropriate to John W. Hunt the sum of money therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows: Chap. 154

SECTION 1. There is hereby appropriated to John W. Hunt to be paid out of any money in the treasury not otherwise appropriated, the sum of twenty-five dollars in full pay and satisfaction for twelve and a half days work in writing up the journal of the Senate for the session of eighteen hundred and fifty.

SEC. 2. There is hereby further appropriated to John W. Hunt the sum of five dollars to be paid out of any money in the treasury not otherwise appropriated in full pay and satisfaction for writing up the journal of the Assembly for the session of eighteen hundred and fifty, to be paid to the said Hunt on presentation to the Treasurer of the certificate of the Secretary of State that the said Hunt has completed the writing up of said journal.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, 6th, 1851.
NELSON DEWEY.

Chap. 155 An Act to vacate a portion of the plat of the village of Darlington in the county of La Fayette.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Block twenty-three and Galena and John streets in the village of Darlington be and the same are hereby vacated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governer and President of the Senate.

Approved, March 6th, 1851.
NELSON DEWEY.

Chap. 156 An Act to amend Section two of Chapter one hundred and eight of the Revised Statutes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two, of Chapter one hundred and eight of the Revised Statutes, is hereby amended so that the same shall read as follows: "Any one or more of the persons so holding lands may institute a suit in the circuit court for the county in which the lands, or any portion thereof lie, by a bill in equity for a division and partition thereof, according to the respective rights of the parties interested therein, and for a sale of such premises, if it shall appear that the partition thereof cannot be made without great prejudice to the owners: Provided, That when suit is thus instituted if the complainants bill does not ask for a division and partition or sale of all the lands so owned by the parties to the bill, either of the parties thereto may cause said bill to be so amended as to include all the lands thus owned: Provided also, That when there shall be no appearance on the part of the defendant or defendants to the suit, the complainant shall pay the costs of suit and partition, unless his bill of complaint asks for a division and partition or sale of all the lands owned by said parties as in the first section of this act mentioned, or unless the said defendant or defendants shall have been served with personal notice.

How suit may be brought.

Proviso.

Proviso.

When complainant to pay costs.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 6th, 1851.
NELSON DEWEY.

An Act authorising the construction of Wharves in the city of Milwaukee. Chap. 157

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the alderman of the Third Ward of the city of Milwaukee, to cause the construction of a substantial wharf four feet in height above the surface of the river, upon so much of the established dock line as lies below or easterly of Milwaukee street, in the Third Ward of said city; also for the alderman of the Fifth Ward of said city, to cause the construction of a like wharf upon the established dock line from the alley between blocks numbered sixty-seven and sixty-eight, to the line between fraction three and four in section thirty-two, town seven, range twenty-two, according to the survey of the United States; also to dredge (or excavate) the river in front of said wharves, at least one hundred feet in width, and of sufficient depth to afford safe and convenient navigation of the same for vessels of the largest class; the earth so excavated shall be deposited upon the lots opposite such excavation. Points of Construction.

SEC. 2. To defray the expenses of constructing said wharves and of dredging (or excavating) the river in front thereof, as aforesaid, there shall be assessed by the assessors of the said Third and Fifth wards respectively, under the direction of the aldermen thereof, a special tax upon each of the lots fronting on said improvements, in proportion to the extent of front of each such lot, which tax shall be collected in the same manner as is now or hereafter may be provided by law for the assessment and collection of taxes in the city of Milwaukee. Expenses how levied and paid.

SEC. 3. The said aldermen shall cause notice to be given to all persons interested, by publication in some daily newspaper published in the city of Milwaukee, for thirty days, which notice shall state the number of the several lots and blocks on which said improvement is to be made, the names of the owners thereof, if known, a specification of the work to be done, and the length of time in which the improvement is required to be made, by the owner or owners of the several lots therein specified. Notice to owners of lots how given.

SEC. 4. The owner or owners of any of the said lots may make or cause to be made, a wharf, and dredge or cause to be dredged the river in front of his or their lot or lots, in pursuance of the first section of this act, and no tax or assessment shall be levied or collected upon any such lot or lots: Provided, The same shall be completed within six months after the first Owners may improve if they so elect. Proviso.

publication of the notice required to be given by the third section of this act.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 6th, 1851.
NELSON DEWEY.

Chap. 158 AN ACT in relation to Insurance on Lives and for the benefit of married women and other persons.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That any Policy of Insurance made by any Insurance Company on the life of any person, expressed to be for the benefit of a married woman, whether the same be effected by such married woman or by her husband or by any other person on her behalf, shall enure to her sole and separate use and benefit and that of her children if any independently of her husband and of his creditors and representatives, and also independently of any other person effecting the same in her behalf his creditors and representatives and in case of the death of the husband of such married woman such policy and the benefit thereof shall not go to his executors or administrators but shall belong to such married woman, and shall be for her sole use and behoof and that of her children.

When benefits of Policy to inure to a married woman.

SEC. 2. That in case of the death of any married woman for whose benefit and that of her children such policy of insurance was effected it shall and may be lawful for any court having authority to appoint guardians for the minor children of such deceased married woman, which guardian so appointed shall have power to hold and manage the interest of such minor children in any such policy or the proceeds thereof.

When Guardians may manage benefits of Policy.

SEC. 3. When a policy is or has been effected by any person on the life of another, expressed therein to be for the benefit of such other his representative or for that of a third person, the party for whose benefit such policy is made shall be entitled thereto, as against the creditors and representatives of the person so effecting the same.

Person expressed to have a prior right.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 6th, 1851.
NELSON DEWEY.

An Act to incorporate the Village of Manitowoc in the County of Manitowoc. Chap. 159

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. The inhabitants of the district of country included within the following limits and boundaries in township number nineteen, or range numbered twenty-four east, in the county of Manitowoc, to wit: Lots four, five, and six, in section nineteen; lots three and four, and west half of south west quarter of section twenty; lots one, two, and three, and north fraction of section twenty-nine, north fraction of fractional north east quarter, south fraction of fractional north east quarter, and north east quarter of south east quarter of section thirty, are hereby created a body corporate and politic, by the name and style of the "President and Trustees of the village of Manitowoc," and by that name shall be capable of contracting and being contracted with, of sueing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate; and shall have a common seal, and may change the same at pleasure; and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal corporation. Corporate powers.

Sec. 2. The said corporation shall be divided into two wards, in the manner following to wit: All that part of said district of country comprised in the limits described in the first section of this act, which lies south of the centre of the Manitowoc river shall be the first ward, and all that part of said district which lies north of the centre of the Manitowoc river shall be the second ward. Division by Wards.

Sec. 3. The government of said corporation, and the exercise of its corporate powers and management of its fiscal, prudential, and municipal concerns, shall be vested in a President and six Trustees, and such other officers as are hereinafter provided for. Government.

Sec. 4. The elective officers of said corporation shall be one President, three Trustees for each ward, one Marshal, one Treasurer, and one Assessor for each ward, to be elected by the qualified voters thereof, at the annual election of said corporation, to be held in each ward on the first Tuesday of April in each year, and shall hold their respective offices for one year and until their successors are chosen and qualified. Election of Corporation officers.

Sec. 5. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said Qualification of voters.

corporation is situated, and shall have resided in the ward twenty days next preceding the election at which he may offer his vote, shall be entitled to vote in such ward for any officer required to be elected by this act; and the person or persons having the highest number of votes, shall be declared duly elected.

Plurality to elect.

Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by any elector, the judges of election, or some one of them, before receiving the vote of any such person, shall require such person to take an oath, that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath knowing it to be false, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in the ward in which he does not reside, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act.

Challenged votes to be received on taking oath.

Fine for illegal voting.

SEC. 6. At the first and every subsequent election, the electors in their respective wards, shall vote for one President, three Trustees of the ward in which they may vote, one Marshal, one Treasurer, and one Assessor for the ward in which such elector may reside.

Notice of election—and judges, how appointed.

SEC. 7. The Supervisors of the town of Manitowoc shall at least twenty days previous to the first election of officers in said village, appoint the places of holding such election, and appoint the judges and clerks thereof, and shall give notice of such appointments, ten days previous to such election, by publishing the same in a newspaper printed in said village; and after the first election it shall be the duty of the President and Trustees to provide the places of holding elections in said village, and to appoint the judges, and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same; and may make such other arrangements concerning said election as may be lawful and convenient for the citizens of said village.

SEC. 8. The supervisors of the town of Manitowoc shall determine who shall have been properly elected at the first election; and the chairman of the board of supervisors of said town

shall administer the oath of office to the first President, and such President shall administer the oath of office to all the Trustees and other officers who have been declared to be duly elected; all subsequent elections shall be determined by the president and Trustees, and the new President may in every case be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in the presence and under the direction of the President and Trustees. Oath of offices—who to administer.

Sec. 9. The President shall preside at all meetings of the Trustees, keep the seal of the said corporation, sign all commissions, licences, and permits which may be granted by the Trustees; he shall maintain peace and good order, and see that the ordinances of the village are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgements of deeds and other instruments in writing; as a judical officer he shall have concurrent jurisdiction with Justices of the Peace of the county of Manitowoc, of all cases for the violation of any ordinance of said village, and when presiding at the meeting of the Trustees, he shall have a casting vote when the votes of the members are equal. Powers and duties of President

Sec. 10. The President and Trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen at all reasonable times and hours; shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members. General powers of president and trustees.

Sec. 11. The President, each and every Trustee, Marshal, each and every Justice of the Peace and Constable of the town of Manitowoc, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the ordinances of said village within the limits thereof, and for such purposes may command the assistance of all by-standers, and if need be, all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village in such case provided. Village authorities to be peace officers.

Sec. 12. The Marshal shall possess all the powers, and enjoy all the rights of a Constable in the town of Manitowoc, and be subject to the same liabilities; it shall be his duty to Duties of Marshal.

execute and return all writs and process to him directed by the President, and when necessary in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots disturbances and breaches of the peace, to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the State of Wisconsin, to apprehend any person in the act of committing any offence against the laws of this State or the ordinances of the village, and forthwith to bring such persons before competent authority for examination, and for such services he shall receive like fees as is allowed to constables for like services. Said Marshal shall execute and file with the Clerk a bond for the faithful performance of his duty, to be approved by the Trustees.

Duties of Treasurer.

SECTION 13. The Treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village, all monies raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by a written order, signed by the President, and countersigned by the Clerk by order of the Trustees; such order shall specify the amount of money to be drawn and its object; he shall keep a just and accurate account of all monies and other things coming into his hands as treasurer, in a book to be provided by the Trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose, which said books at all reasonable times be open to the inspection of the electors of the village, he shall as often as the Trustees require, render to said Trustees a minute account of his receipts and payments, and at the expiration of his term of office he shall hand over to his successors all monies, books and vouchers in his possession, belonging to said village: he shall before he enters upon the duties of his office, execute to the President and Trustees a bond for the faithful discharge of his duties, to be approved by the Trustees, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Clerk to be appointed by trustees.

SEC. 14. The clerk shall be appointed by the Trustees, shall attend the meetings of the Trustees, he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the Trustees, who shall fix his compensation therefor, not exceeding the sum allowed by law for like services.

When officers to take oath.

Sec. 15. Every officer elected in said village shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerks, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act.

Special meetings.

Sec. 16. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving ten days notice thereof in the newspaper of the village. Every notice of a special meeting shall state the objects for which such meeting is called.

Vacancies.

Sec. 17. Any vacancy in the office of President, Trustee, Marshal, Treasurer or Assessor, may be filled at a special meeting, called in the manner prescribed in the preceding section.

Specific powers.

Sec. 18. The President and Trustees shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules or by-laws, are hereby declared to be, and to have the force of law: Provided, That they be not repugnant to the constitution and laws of the United States and of this State, and for those purposes shall have authority by ordinance or by-laws: To organise fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale in any manner; and if the owner shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the Trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gun powder, and other dangerous materials, to direct the safe construction of a place for the deposit of ashes, to appoint one or more fire wardens to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous, to be put in a safe condition; to regulate the manner of put-

Proviso.

ting up stoves and stove pipe, to prevent fires, and the use of fire works and fire arms within the limits of said village, or such part thereof as they may think proper: to compel the inhabitants of said village to aid in the extinguishing of fires, and to pull, break down and raze such building in the vicinity of the fire, as shall be directed by the Trustees, or any four of them who may be at the fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells, and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper. Second, To prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village. Third, To license and regulate the exhibitions of common showmen on shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circusses, or theatrical performances, under the ordinances or common law. Fourth, To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village. Fifth, To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses, or groceries or houses of ill-fame, shows and exhibitions. Sixth, To direct the location and management of all slaughter houses and markets. Seventh, To prevent the encumbering the streets, side-walks, alleys or public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire wood, or other materials or substance whatever. Eighth, To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the village. Ninth, To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorise the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large in violation of the by-laws of the village. Tenth, To prevent the running at large of dogs, and to authorise the destruction of the same in a summary manner when at large, contrary to the ordinances, or to impose a tax on the same. Eleventh, To prevent any person from bring-

ing, depositing, or having within said village any putrid carcass or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorise the removal thereof, by some competent officer, at the expense of such person or persons. Twelfth, To establish and regulate Boards of Health, provide Hospitals and Cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation. Thirteenth, To regulate the building of wharves, and provide for the security and protection of the same. Fourteenth, To regulate the establishment of ferries, and provide for the protection of the same. Fifteenth, To provide for the security and protection of bridges. Sixteenth, To prevent all persons riding or driving any horse, ox, mule, cattle, or other animal on the side-walks in said village, or in any way doing any damage to such side-walks. Seventeenth, To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and provide for arresting, removing and punishing any person or persons who may be guilty of the same. Eighteenth, To regulate the police of the village, to appoint watchmen and firemen, prescribe their duties and punish their delinquences. Nineteenth, To protect trees and monuments in the village. Twentieth, To provide for cleaning out of Manitowoc river of drift wood and other obstructions, and to prevent encroachments of any kind thereon in said village, to appoint a harbor master and prescribe his duties. Twenty-first: To establish the grade of all streets in said corporation, and to appoint a Surveyor, and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others for like services.

Corporation may prescribe penalty for violation of ordinances.

Sec. 19. In all cases in relation to which by the provisions of this act, the President and Trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws not exceeding fifty dollars for any one offence, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Manitowoc county for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the Marshal or any other officer, shall be under the charge of the Sheriff of said county.

Validity of evidence.

SEC. 20. On all suits for the violation of any ordinance of the village, the process may be by warrant; and it shall be sufficient without setting forth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought, the defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the Trustees, shall be prima facie evidence of the passage and publication of such ordinance.

When defendant may be imprisoned.

SEC. 21. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines, penalties and forfeitures when collected, shall be paid into the treasury of said village.

Certain by-laws to be published.

SEC. 22. Any ordinance, regulation, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper printed in said village before the same shall be in force, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, rule or by-law in all courts and places.

SEC. 23. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Penalty for wilful injuries to docks.

SEC. 24. The said President and Trustees shall have power to pass ordinances imposing penalties against the owners and masters of vessels on the vessels themselves for any wilful and malicious injuries done by their vessel or vessels to any of the bridges or public docks, and to enforce the same in an action of debt, and by imprisonment of such owners or masters as in the case of other ordinances, and for every such injury said vessel or craft shall be liable in an action by warrant in the name of the village for all such damages and injury to be enforced according to the provisions of an act to provide for the collection of demands against boats and vessels.

SEC. 25. The Trustees shall have power to appoint Street Commissioners, not to exceed two in each ward, on the recommendation of a majority of the Trustees of the ward which said Commissioners shall be appointed; to lay out, open, and keep in repair, grade, pave or otherwise improve streets,

avenues, lanes, alleys, sewers, and side walks and cross walks; to insure the public property of the village; to direct in the prosecution and defence of suits, in which said village may be a party; to procure the necessary blank books for records, and such other stationery as may be required for village purposes; to audit and allow all lawful accounts against said village, and to draw an order on the Treasurer for the payment of the same; to determine the compensation of the President, Clerk, Marshal, Treasurer, Assessors and Street Commissioners, subject to the provisions of this act; to levy and collect taxes on all such property as shall be subject to town and county taxes: Provided, That in any one year, the taxes for corporation purposes shall not exceed one per cent. on the assessed valuation of taxable property in said village, unless two thirds of the electors of said village voting at a meeting legally called for that purpose, shall vote to allow a larger sum to be raised, but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation aforesaid: And provided, That no personal property shall be liable to seizure and distress for any tax upon real estate.

Trustees may levy taxes.

Proviso.

Sec. 26. No account or claim against said village shall be paid until it shall have been presented to the Trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the Trustees so auditing the same shall endorse thereon or annex thereto a certificate, subscribed by them, of such auditing, and of allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Trustees to audit claims.

Sec. 27. No such account or claim shall be audited or allowed by the Trustees, until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services, or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be endorsed on or annexed to such account or claim, and presented and preserved therewith. Any one of the Trustees, when such account or claim shall be presented to them, may administer the oath required in this section; and the said Trustees may examine the claimant on oath, as to the items in such account or claim.

Claims to be sustained by affidavit.

Sec. 28. Nothing in the last preceding section shall be construed to prevent the Trustees from allowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Memoranda of accounts—how kept.

SEC. 29. Every account or claim against said village, presented to the Trustees in any year, shall be numbered from number one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the Trustees.

Warrants to be recorded.

SEC. 30. Every warrant drawn by the Trustees to pay any account or claim, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant shall be entered in such records, before such warrant shall be delivered to the claimant.

Signing of warrants restricted

SEC. 31. No Trustee shall allow or subscribe a certificate of the allowance of any item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any Trustee sign any warrant for the payment of any such account or claim or any part thereof, shall not be payable.

SEC. 32. No such account or claim shall be paid, except by the Treasurer, on the warrant of the Trustees, endorsed on or annexed to the account or claim for which it shall be drawn.

Papers to be filed in Treasurer's office.

SEC. 33. Whenever any such account or claim shall be paid, it shall together with the affidavit presented therewith to the Trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the Treasurer's office.

Power to borrow money restricted.

SEC. 34. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf, by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall said village incur any debt or liability, in any year, greater than the amount of tax allowed by this act to be raised in said village, in the year in which such debt or liability was incurred.

When Trustee may levy special tax for improving street.

SEC. 35. Whenever two-thirds of all the resident owners of real estate bounding both sides of any street, or part of street, not less than sixteen rods in length, in said village, shall desire to have such street graded, paved, or otherwise improved, they may make and sign an application in writing to the board of Trustees of said village, specifying in such application the sum necessary to be raised for that purpose; and the said Trustees shall levy, and cause to be collected such sum by tax on all the owners of real estate, on lots, on such street or part of street;

said tax shall be levied on the last assessed valuation of the said real estate and lots exclusive of improvements respectively as the same shall appear in the assessment roll of said village.

Of taxes for sidewalks.

Sec. 36. When two-thirds of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a side walk built or repaired, the application for that purpose shall be made to the Trustees by such owners, and the tax for building or repairing such side walk, shall be levied as prescribed in the preceding section.

Collection and disbursement of taxes for improvements.

Sec. 37. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing of any side walk, they shall make out and deliver to a street commissioner of the ward in which such tax is to be collected and expended, a list of persons and a description of the property taxed; and thereupon the said street commissioner shall notify the persons named in such tax list, by publishing a notice in some newspaper published in said village, and shall specify in such notice a time or times not less than twenty days, nor more than forty days from the date thereof, when the persons charged with taxes in such list, may pay their taxes in labor, materials or money; and the persons charged with such tax may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials: Provided, the labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commisioner.

Proviso.

Return of tax list—how made.

Sec. 38. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the Trustees, accompanied by a statement verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditures; also, the taxes which remain unpaid, and the persons and descriptions of real estate, or lots, to which such unpaid taxes stand charged.

Unpaid taxes to be collected when general tax is collected.

Sec. 39. The trustees, in making out the duplicate assessment roll of said village next thereafter, shall enter such unpaid taxes therein in a separate column, with twelve per cent. interest added thereto, opposite the names of the persons and description of property against which the taxes so remain unpaid; and such taxes shall be collected in the same manner as the general taxes of said village are collected; and when so collected, shall be paid over to a street commissioner on the order of the Trustees, to be expended on the street or side walk for which they were originally assessed.

Sec. 40. The Trustees shall, between the first Tuesday in

April, and the second Monday in June in each year, determine the amount of general tax necessary to be assessed and collected in said village the current year. The assessors shall, within the time above limited, assess all property subject to taxation within each of their respective wards, and shall, on or before the first Monday of June in each year, deliver to the board of Trustees of said village a full and complete roll thereof; which roll shall exhibit the description and value in separate columns, of the lands, lots, improvements thereon, and all other property chargeable with tax, in the said wards respectively, together with the names of the owners thereof, so far as the same can be ascertained. The Assessors shall receive for their services a compensation to be fixed by the by-laws of said village, which shall not exceed the compensation allowed to town assessors for similar services.

Assessors to make out lists of Land, &c.

Compensation of Assessors.

Trustees' Clerk to give notice of completion of Tax Roll.

SEC. 41. Whenever the said assessment roll shall have been delivered to the Board of Trustees, as mentioned in the preceding section, such Board of Trustees shall forthwith direct their Clerk to give public notice, by publishing the same in some newspaper published in said village, of the completion of such roll by the Assessors, and shall specify in said notice the time when, and the place where, the said Trustees will meet, to hear appeals from the proceedings of such Assessors; on any such appeal being made to the said Trustees, they shall have power to alter and correct such assessment roll, and the said Trustees shall have power to equalize the taxes in such assessment roll.

Revision and equalization.

SEC. 42. When such assessment roll shall be finally completed, the Trustees shall cause to be levied such amount of tax as shall have been determined to be raised, and shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the Marshal of said village, as hereinafter provided, and the original assessment roll and tax list shall be deposited with the Treasurer of said village.

Copy of tax list to be delivered to Marshal.

SEC. 43. The warrant annexed to any tax list delivered to the Marshal as aforesaid, shall be signed by the President and countersigned by the Clerk of said village, or in the absence of the President, such warrant shall be signed by a majority of the Trustees; such warrant shall command the Marshal to collect the taxes mentioned in such tax list, in sixty days, and pay over the same to the Treasurer of said village, and make return of said warrant to the said Treasurer; the Trustees may

Marshal to return warrant to Treasurer.

renew the warrant annexed to any tax list for thirty days, when they shall deem it necessary, but any such warrant shall be so renewed but once.

Deduction of 5 per cent—when made.

Sec. 44. Upon the receipt of the tax list aforesaid, it shall be the duty of the Marshal to give public notice in a newspaper published in said village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of forty days next ensuing such notice; and all taxes paid during said forty days, shall be subject to a deduction of five per centum upon the amount paid.

When goods may be sold.

Sec. 45. If the taxes are not paid to the Marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, subject to the limitation hereinbefore prescribed, whenever found in said village, giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

Marshal to make affidavit on return of warrant.

Sec. 46. It shall be the duty of such Marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the Treasurer of said village, and to return such warrant to the said Treasurer with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him, by reason of his being unable to find property in said village, out of which he could collect the same; and if any sum be returned not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

Sale of lands for taxes.

Sec. 47. In case the tax on any lot or other parcel of land shall remain unpaid on the first day of October, it shall be the duty of the Treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other pieces of land, upon which the taxes have not been paid, will be sold by him, at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale agreeably to the provisions of this act. Said advertisement shall be published three weeks successively, in a newspaper published in said village.

Treasurer to sell lands and give certificates.

Sec. 48. On the day and at the time and place mentioned in the notice, the Treasurer shall commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, agreeably to this act, and the Treasurer shall give to the purchaser or purchasers of any lot or lots of land, a certificate of the lots or lands purchased, stating the sum paid therefor, including fees, and the

time the purchaser or purchasers will be entitled to a deed.

Treasurer to deposite statement in Clerk's office

Sec. 49. Said Treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the Clerk of said village all affidavits, notices and papers in relation to such tax sale, to be filed in the office of said Clerk: also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and name of the owner if known; and the said Treasurer and Clerk shall record such statement in a book kept for that purpose by each of them, in their respective offices.

When Treasurer may execute a deed of such lots

Sec. 50. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the Treasurer, shall not, within two years from the date thereof, pay to the Treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty-five per centum per annum from the date of such certificate, the Treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple; and the said conveyance shall be evidence that the sale was regular according to the provisions of this act, and any such conveyance executed by the Treasurer, under his hand and the seal of said corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect, as a deed regularly acknowledged by the grantor may be given in evidence and recorded: Provided, That in case of assessment of taxes in gross upon any lot or piece of land, the Treasurer upon the application of any claimant or owner of a part thereof either divided or undivided, shall receive the taxes on such part either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of such lot or piece of land.

Proviso.

Treasurer to advertise time of forfeiture.

Sec. 51. In all cases, before lands shall be conveyed as aforesaid, the Treasurer shall advertise the same by a correct description thereof, for three months, in some newspaper published in said village, stating that all such lots or parcels of land will be forfeited, if the taxes, interest or charges upon the same are not paid before the day mentioned in such notice.

Sec. 52. All lots or lands which shall be advertised for sale

for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: For each certificate to be given to a purchaser of any lot of land at such sale, twelve and one-half cents; for certifying the amount necessary to redeem any lot or piece of land twelve and a half cents; and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the persons receiving such instrument. The charge for advertising the forfeiture of a piece of land shall be ten cents for each lot or parcel. Fees for certain services.

Sec. 53. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land, shall pay to the Treasurer the amount of tax with interest, at the rate of twenty-five per centum per annum, for the benefit of the purchaser. Person redeeming lands to pay 25 per cent. interest.

Sec. 54. All taxes levied and collected by the Trustees of said village for the purpose of repairing, grading or improving roads, streets or alleys in said village, shall be expended within the limits of each ward respectively in which the same has been assessed and collected.

Sec. 55. The street commissioners of said village shall, under the direction of the President and Trustees, superintend the grading, paving and improving of streets, and the building and repairing of side walks, and the expenditures of taxes levied and collected for such purposes in their respective wards, they shall receive such compensation for their services as shall be allowed by the Trustees under the provisions of this act. Compensation of Street Commissioner.

Sec. 56. Within ten days next preceding every annual election, the Trustees of said village shall cause to be published in some newspaper published in said village, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. The first statement so published shall embrace all accounts allowed to the time of publishing, from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publishing, from the time of publishing the last preceding statement. Trustees to make an annual statement of affairs.

Sec. 57. The affidavit of the printer or of the foreman in his office, of the publication of any notice required by the provisions of this act to be published, shall be received as proof of the publication of such notice in all courts and places. Evidence of publication.

Sec. 58. If any election provided for in this act shall for Provision for special election.

any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter, by order of the Supervisors of the town of the first election, otherwise by order of the Trustees of said village, of which time ten days public notice shall be given, and further if any of the duties enjoined by this act at a time herein specified, or specified by any ordinance of said village are not then done, the Trustees of said village may appoint another time upon which the said duties may be done: Provided, That the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties as he would have been had not such power been conferred upon or exercised by the Trustees.

Proviso.

Certain officers to be appointed and removed at pleasure.

SEC. 59. The Trustees shall have power to appoint and at their pleasure so remove the following officers to wit: One Chief Engineer of the Fire Departments, two Fire Wardens for each ward, and as many assistant wardens as they shall from time to time deem necessary, one Surveyor, one Sealer of weights and measures, Sextons and keepers of burial grounds, Street Commissioners, and one Harbor Master, and prescribe their duties and fix their compensation under the provisions of this act, and to impose and enforce in law such penalties as to the said trustees may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the Trustees: Provided, That Trustees shall have no power to pay themselves any compensation for their services.

Proviso.

Quorum.

SEC. 60. A majority of the Trustees from each ward in said village, shall be a quorum for the transaction of busines when the President shall be present to preside, but a less number may meet and adjourn from time to time until a quorum shall be present, but shall do no other business in the absence of the President, five Trustees being present, one of their number may be appointed chairman pro tem.

SEC. 61. This act may be altered, amended or repealed by the Legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 6th, 1851.
NELSON DEWEY.

An Act to appropriate to Alexander Mitchell a certain sum of money. Chap. 160.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Alexander Mitchell to be paid on or after the twentieth day of June next, out of any money in the treasury not otherwise appropriated, one thousand dollars principal and thirty-five dollars interest in full payment for principal and interest on Wisconsin, Milwaukee and Rock River Canal Loan number fifty-two. Redemption of Canal Loan No. 52.

Sec. 2. Upon payment of the above mentioned bond, it together with the accompanying coupons shall be surrendered to the State Treasurer and by him cancelled. Bond to be cancelled.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 8th, 1851.
NELSON DEWEY.

An Act to appropriate to Alexander Mitchell a certain sum of money. Chap. 161

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Alexander Mitchell the sum of seventy dollars in full payment for interest on Wisconsin, Milwaukee and Rock River Canal Loan number fifty-two, from the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-nine, to December twentieth, one thousand eight hundred and fifty, upon the surrender of the coupens attached to the same, out of any money in the treasury not otherwise appropriated. For interest on Canal Bond No. 52.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 8th, 1851.
NELSON DEWEY.

An Act licensing the sale of intoxicating liquors. Chap. 162

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the board of Supervisors of the several towns, and the board of Aldermen of any incorporated city and the board of Trustees of any incorporated village within this State, may at any regular or special meeting of the board, Who may grant license to drink on the premises.

grant license to as many persons as they may deem proper, to keep groceries, saloons, shops or places of any name whatever, within the limits of their respective towns, cities, or villages for the sale of strong, spirituous, ardent or intoxicating liquors, to be drunk on the premises in a quantity less than one gallon. The sum to be paid for such license by the person applying therefor, shall be one hundred dollars, and the license so granted shall remain and be in force for and during the space of twelve months from and after the date thereof, unless sooner revoked by the board granting said license.

Who may grant license to sell by wholesale

Sec. 2. The board of Supervisors, board of Aldermen or board of Trustees may also grant licenses to as many persons as they may deem proper, within the limits of their respective towns, cities, or villages to sell strong, spirituous, ardent or intoxicating drinks or liquors, in any quantity not less than one gallon; not to be drunk within their houses or on their premises. The sum to be paid for such license for wholesaling spirituous or intoxicating liquors or drinks, by the person applying therefor, shall be fifty dollars and such license shall be in force for the space of twelve months from the date thereof unless sooner revoked by the board granting the same.

License not to be issued till money is paid.

Sec. 3. The said license shall be sealed and attested by the town Clerk or the Clerk of the board of Aldermen, or the Clerk of the board of Trustees, (as the case may be), granting the same; but they shall in no case be issued to the applicant, until such applicant shall produce to the said Clerk, proper evidence. by receipt or otherwise that he has paid into the town, city or village treasury the sum of money herein before fixed and required to be paid therefor.

Bond to be given.

Sec. 4. No license shall be granted under the provisions of this act, until the person applying therefor shall have produced and filed with the said town, city or village Clerk, a good and sufficient bond, in the penal sum of five hundred dollars, with two or more good and sufficient sureties who shall severally justify their responsibility over and above all debts and exemptions on oath, or affidavit, which oath or affidavit shall be attached to and filed with the bond which bond shall be executed to the town, city or village Treasurer, as the case may be, and when the sureties shall have so justified shall be approved by the board granting such license: Conditioned, That such applicant will during the continuance of his license keep and maintain an orderly and well regulated house, that he will permit no gambling with cards of dice, or any other device or implements used for that purpose within his grocery, shop, saloon or building of any name whatsoever kept by him, or within any out house, yard or shed appertaining to the same and that he wil

Condition of Bond.

observe and obey all requirements of said board of Supervisors or board of Aldermen, or board of Trustees or any member thereof made in pursuance of this act.

Penalty for selling in violation of statue.

Sec. 5. If any person shall vend, sell or in any way deal or traffic in or for the purpose of evading this act give away any spirituous, ardent or intoxicating liquors or drinks in any quantity whatsoever without first having obtained license therefor according to the provisions of this act, he shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished therefor by a fine of one hundred dollars and costs of suit, within twenty-four hours after the same have been imposed upon him, (during which time he shall remain in the custody of the officers) by imprisonment in the county jail of the proper county for the space of sixty days, unless he shall be discharged therefrom before the expiration of said term, by payment of the aforesaid fine, and all costs and jail fees occasioned by his prosecution and imprisonment.

Justices to have jurisdiction.

Sec. 6. Justices of the Peace shall have power to hold a court, to hear, try and determine, all offences against or growing out of, the provisions of this act, and arising within their respective counties: Provided, That the accused party shall not be deprived of a jury trial, nor of his right of appeal as in other cases of tort.

Proviso.

When Justice to issue warrant for arrest.

Sec. 7. Upon complaint made to any Justice of the Peace by any person, that he knows, or has good reason to believe that offence against this act, or any violation thereof has been committed, he shall examine the complainant upon oath, and he shall reduce such complaint to writing, and cause the same to be subscribed by the person complaining. And if it shall appear to such Justice that there is reasonable cause to believe that such offence has been committed, he shall immediately issue his warrant, reciting therein the substance of such complaint, and requiring the officer to whom such warrant shall be directed, forthwith to arrest the accused, and bring him before such Justice, to be dealt with according to law; and the same warrant may require the officer to summon such persons as shall be therein named, to appear at the trial to give evidence.

District Attorney to conduct the suit.

Sec. 8. It shall be the duty of the District Attorney of the proper county, on notice given to him by the Justice of the Peace before whom any such complaint shall be made, or by the complainant himself, to attend the trial before such Justice, and to conduct the same on behalf of the State.

What officers shall make complaint in certain cases.

Sec. 9. It shall be the duty of each of the board of Supervisors of the town, and of every member of the board of Aldermen, and of every member of the board of Trustees, as also of every Justice of the Peace, Marshal, Deputy Marshal and Con-

stable of any town, ward or village, who shall know of his own knowledge, or be credibly informed that any offence has been committed against the provisions of this act, to report and make complaint against the person so violating any of the provisions thereof within their respective towns wards or villages, before some Justice of the Peace of their county, city or village: and if any such Supervisor, Alderman, Justice of the Peace, Trustee, Constable, Marshal or Deputy Marshal, shall neglect or refuse to report and make complaint of any violation or offence against this act, of which he shall have knowledge as aforesaid he shall be punished by fine in the sum of twenty-five dollars for each such neglect or refusal, to be collected in an action of debt, to be commenced by the Town Treasurer of the town, or the Treasurer of the board of Alderman, village or city against him therefor.

Penalty for neglect.

When certain officers may forbid the sale to certain persons for a year.

Sec. 10. When any person shall by excessive drinking of spirituous, ardent, or intoxicating liquors or drinks, so misspend, waste or lesson his estate or property, as thereby either to expose himself or his family to want or indigence, or the town, city, ward or village to which he belongs, to expense for the maintainance of himself or his family, or shall so habitually indulge himself in the use of spirituous, intoxicating or ardent liquors or drinks as thereby greatly to injure his health, or endanger the loss thereof, or to endanger the personal safety and comfort of his family, or any member thereof, the board of Supervisors of the town in which such spendthrift lives, or any member thereof, or the board of Aldermen of the city in which he lives, or any member thereof, or the board of Trustees of any village, or any member thereof, shall in writing under his or their hands, forbid all persons licensed under this act, to sell or give away to him any ardent, spirituous or intoxicating liquors or drinks of any kind, for the space of one year, and said boards or any member thereof, may in like manner forbid the selling of any such liquors or drinks to the said spendthrift by any licensed person of any other town or ward or city or village to which the spendthrift may resort for the same.

Prohibition may be renewed

Sec. 11. The said board of Supervisors, or board of Aldermen or Trustees, or any member of such boards shall, in the same manner, from year to year, renew such prohibition, as to all such persons, as have not, in their or his opinion, reformed within the year; and if any person licensed under the provisions of this act, shall, during such prohibition sell, or give away to any such prohibited person, any such ardent, spirituous or intoxicating liquors or drinks of any kind whatsoever, he shall forfeit for each offence the sum of fifty dollars, to be collected in an action by the town village or city Treasurer,

for violation, collected

against such licensed person and his sureties, on his bond, in cases where such bond is given in pursuance of this act. or in cases were no bond is required or given, then in an action on the case against such licensed person, in the name of the town or village Treasurer as the case may be.

SEC. 12. When the sale or giving away of spirituous, intoxicating or ardent liquors or drinks, shall have been prohibited to any such spendthrift in pursuance of this act, if any person shall, with a knowledge of said prohibition, give, sell, purchase or procure for, or in behalf of such prohibited person, or for his use, any such liquors or drinks, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of fifty dollars, or in default of immediate payment of such fine when legally imposed, to imprisonment in the county jail for the space of thirty days, unless sooner discharged by payment of such fine and all costs and fees up to the date of his discharge.

Further penalty by imprisonment.

SEC. 13. Upon any complaint made in writing under oath, by any two respectable persons, residents of the town village or ward in which any licensed person may keep his shop, grocery, saloon or place for the sale of any liquors or drinks under the provision of this act, and upon filing the same with the Clerk of the town, city or village setting forth therein, that any such licensed person keeps or maintains a disorderly, riotous, indecent or improper house; or that he suffers, allows or permits gambling in his house with cards, dice or with any device or implements or in any manner whatever, the board of Supervisors or the board of Aldermen or by the board of Trustees (as the case may be), shall issue their summons, under the hand of their Clerk, directed to any Constable of the town, city or village, commanding the person so complained of to be and appear before such board, on a day certain to be therein named, (which day shall not be less than three nor more than ten days) to shew cause why his license shall not be immediately revoked and cancelled.

What Board may issue summons upon complaint.

SEC. 14. If such accused person shall not appear as required by the summons mentioned in the foregoing section to shew cause in answer to such complaint, the board issuing the same shall take such complaint and the charges therein made to be true, and if they shall deem the allegations contained in said complaint to be sufficient, they shall immediately cause said license by them before granted to be wholly revoked and annulled, which action of the board shall be entered by their clerk on the books or journal of the board, and they shall cause proper notice to be given to the person whose license shall be so revoked. But if such person shall appear, he shall be

When license is revoked notice to be given.

Defendant may traverse statements.

allowed to traverse and deny the matters charged in such complaint, and upon such issue made each party shall be allowed to produce witnesses as in other cases, and to be heard by council. If upon such hearing the board shall find the complaint to be true, they shall immediately revoke the license theretofore granted to the accused party; but if they shall find the same not to be true, after proofs adduced, they shall discharge the person complained of free of all costs, and the cost shall be paid by the persons making such complaint, for the payment of which costs, said board shall take good and sufficient security of the complainants, before issuing their summons as aforesaid. Provided, that in no case where such license shall be revoked and taken away from any person, shall it be lawful for such board to grant another license to the same person within the time of twelve months from the date of such revocation and provided further, that no part of the money paid by such person for the license so revoked shall be refunded to him.

When complainant shall pay costs.

Proviso.

When Supervisors may grant license.

Sec. 15. The Board of Supervisors of any town, may grant licenses to sell intoxicating or spirituous liquors, or drinks in any quantity less than one gallon, to such persons as keep houses of public entertainment, on any public highway, for the benefit and accommodation of travelers, in such cases as the said Board shall deem the granting of such license expedient and proper. The sum to be paid for such license shall not be less than thirty dollars, nor more than fifty dollars, according to the discretion of said Board, and before the same shall be granted to any person, he shall make and file with the Clerk of the town, a written affidavit that he is keeping a house of public entertainment for travelers, commonly known as a tavern or hotel, and that he desires such license only for the reason that he is keeping such house of public entertainment, and for the accommodation of the traveling public: Provided, That no such license shall be granted until the applicant thall have executed, produced and filed his bond in accordance with section four of this act, and that he shall be, in all respects, subject to the several requirements and penalties hereinbefore made, in the same manner as other licensed persons.

Applicant shall file affidavit with Clerk.

Proviso.

Monies realized to be applied to support of the poor.

Sec. 16. All moneys derived from licenses granted under this act, shall be kept separate and distinct from other moneys by the town, city or village Treasurer, and the snme shall be applied solely for the purpose of defraying the pauper expenses of such town, city or village, unless the amount received shall exceed the sum required for such objects, in which case, the remainder shall be placed in the general treasury of the city, town or village, and appropriated in the same manner as other

moneys: Provided, however, that in counties where the county system of supporting paupers has been adopted, said monies shall be placed in the general treasury of the city, town or village, and appropriated in the same manner as other monies. Proviso.

SEC. 17. This act shall take effect from and after the first day of June next, and chapter 29 of the Revised Statutes, and the act amendatory thereof, approved February 8, 1850, are hereby repealed: Provided, That this act shall in no wise affect any prosecution already commenced, or right accrued under the laws hereby repealed. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 8th, 1851.
NELSON DEWEY.

An Act to amend Chapter sixty-five, Section seventeen, of the Revised Statutes, providing for the sale of lands by Administrators, Executors and Guardians. Chap. 163

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That chapter sixty-five, section seventeen shall be, and hereby is so amended as to to authorise the Probate or County Courts of this State, in their discretion, to authorise an administrator, executor or guardian to have or cause the lands which he or they may be authorised by said Court to sell, appraised by three disinterested freeholders in the county in which such lands lie, under oaths, administered by any person authorised to administer oaths, which oaths and appraisal shall be certified to in the usual form, and be filed in the Court from which the said license was issued, and the administrator, executor or guardian, so licensed, shall offer the same at public vendue and if after due notice thereof, no bid shall be made of a larger sum than that at which it is so appraised such administrator, executor or guardian so licensed may sell such lands so appraised at private sale, at a price not less than the appraised value, or if not so sold within one year they may be sold at public vendue. Probate Courts may authorise appraisal of lands by persons qualified. Administrator may sell at appraised value.

SEC. 2. That in case the said Probate or County Courts shall so license to sell at public sale, the same notices shall be given as is now required by law to be given. When notice to be given.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 8th, 1851.
NELSON DEWEY.

Chap. 164 [An Act to incorporate the Fire Department of the city of Kenosha.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

General Corporate powers.

SECTION 1. That all persons who now are or hereafter may become members of the Fire Department of the city of Kenosha, and their successors, shall be and hereby are ordained, constituted and declared to be and continue a body politic and corporate, in fact and in name, under the name and style of the "Fire Department of the city of Kenosha," and by that name they and their successors may and shall have perpetual succession, and shall be known in law, capable of sueing and being sued, of pleading and being impleaded, of answering and being answered to, of defending and being defended, in all suits, complaints, matters, causes, courts and places whatsoever, and both in law and equity, and capable of having a common seal, of acquiring by purchase, gift, devise or otherwise, and of holding and conveying any real, personal or mixed estate, necessary, proper or expedient for the object of this incorporation:

Proviso.

Provided, That the amount of said estate shall at no time exceed the sum of fifty thousand dollars.

SEC. 2. The members of the Fire Department of the city of Kenosha, hereby incorporated, shall have, and are hereby declared to have full power and authority to make and prescribe such by-laws, rules, ordinances and regulations, and the same to alter, amend and change at pleasure, as to them from time to time shall seem needful or proper, touching the management and disposition of their funds for the objects aforesaid, touching the regular and special meetings of the department, the regulation, duty and conduct of their members, delegates and board of Trustees, the election and displacing of officers and delegates, the admission and expulsion of members, the filling of vacancies in offices, and touching every other matter and thing necessary or expedient for the good government and promotion of this incorporation, or which pertains to the business and objects for which the said incorporation is by this act instituted:

Proviso.

Provided, That such by-laws, rules, ordinances and regulations be not repugnant to the constitutional laws of the United States or of this State.

Board of Trustees—how constituted.

SEC. 3. The officers of said Department, by this act incorporated, shall be a President, Vice President, Secretary, Treasurer and Collector, who together with the Chief Engineer of the Fire Department and the delegates from the several Fire Companies and other bodies pursuant to the provision of the constitution and bye-laws of the Department, shall constitute a board of trustees, a majority of whom shall be a quorum for

the transaction of business; and said officers and delegates, separately, and as a board of Trustees shall do and perform such duties and things as may be incumbent upon or required of them by the constitution or by-laws of the department.

Election of officers.

SEC. 4. There shall be an annual meeting of the members of said corporation on the second Monday of January, in each year, at which the officers shall be elected by ballot by a majority of the members present, from their own body, and the officers elected shall hold their offices for one year or until others be chosen in their places; but in case it at any time happens that an election of officers shall not be made or had on that day, the said corporation shall not be dissolved, but it shall and may be lawful to hold such election thereafter, pursuant to public notice given in one or more of the newspapers printed in said city.

Appointment of first board of trustees.

SEC. 5. Of the Fire Department of the city of Kenosha, Isaac W. Webster shall be President; William L. Hinsdale, Vice President; Frederick S. Lovell, Secretary; John R. Phelps, Treasurer, and John E. Henry, Collector, who, together with the Chief Engineer of the Fire Department, duly appointed by the Common Council of the city of Kenosha, and the delegates chosen aforesaid, shall constitute the first board of Trustees, and shall hold their offices until the second Monday of January next, or until others shall be chosen in their stead.

Of funds and their disposition.

SEC. 6. The funds of said corporation shall consist of a general fund, which shall be applied to such general purposes of the Fire Department as the board of Trustees shall in their discretion determine; and of a firemen s benevolent fund, (arising from donations and other sums specially devoted to said fund) the interest arising from which shall be appropriated to the relief of indigent and disabled firemen and their families as may be interested in the fund, and who may be in the opinion of a majority of the Trustees worthy of assistance.

Department to give Certificates

SEC. 7. All certificates now required to be obtained by firemen from the C lerk of said citypursuant to the provision of any law of this state, shall hereafter be obtained from the department, by this act incorporated; which certificates, signed by the President and Treasurer of this department and countersigned by the City Clerk of said city and under the seal of this incorporation shall have the like effect of those heretofore obtained from the said city Clerk, and shall be satisfactory evidence of the facts therein contained, and each person applying for such certificate shall pay therefor such sum as the by-laws of the department shall prescribe for the benefit of the corporation and the objects thereof.

Trustees to give city clerk a list of members.

SEC. 8. It shall be the duty of the Trustees to make out and deliver to the city Clerk once in each year, or whenever

be may request it, an accurate list of all members of this c
poration, who are exempt from jury or military duty, that are
may become entitled to the benefits thereof.

Declaration. SEC. 9. This act is hereby declared to be a public act, a
the same shall in all courts and places be regarded benignly a
favorably for every beneficial purpose hereby intended.

SEC. 10. The legislature may alter, modify, amend or
peal this act at any future session.

Repealing Clause. SEC. 11. All acts and parts of acts which contravene
provisions of this act are hereby repealed, and this act sh
take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 8th, 1851.
NELSON DEWEY.

Chap. 165.

An Act to extend the navigation of Fox River and to provide for the improvem
the same above Fort Winnebago to Swan Lake.

*The People of the State of Wisconsin, represented in Se
and Assembly, do enact as follows:*

Use of Dredge Boat when discretionary. SECTION 1. After the improvement of the Fox and Wis
sin rivers shall be completed or when the said improvem
shall not require the use of the dredge boat now owned by
State for said improvement, the said Boat may be used in
discretion of the board of Public Works for the further imp
ments of Fox River or of any tributary to the Fox or Wisc
Rivers or Lake Winnebago.

Guaranty against injury. SEC. 2. Before the said boat shall be used for the pu
specified in the preceeding section, the board of Public W
shall receive from the person or persons desiring such us
ficient guaranty that said boat shall be returned to the Co
sioners upon demand uninjured and in good repair.

Expense not to be borne by State. SEC. 3. No monies shall be paid out of the State Tr
to defray any portion of the expenses that may be incu
using said boat for the purpose of such improvement.

FREDERICK W. HORN,
Speaker of the Assem
DUNCAN C. REED,
President pro tempore of the Se

Approved March 8th, 1851.
NELSON DEWEY.

An Act to amend an act entitled "an Act to incorporate the city of Kenosha," approved February 6th, 1850. Chap. 166.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

When City Council may levy a tax for certain improvements.

SECTION 1. Whenever two-thirds of all the owners of real estate on lots, bounding both sides of any street or part of a street, not less than sixteen rods in length in said city, shall desire to have such street graded, paved or otherwise improved, or shall desire to construct a sewer in such street, they may make application in writing to the Mayor and City Council of said city, specifying in such application the sum necessary to be raised for that purpose; and it shall be lawful for said City Council to levy and cause to be collected such sum by tax on all the owners of real estate, or lots, on such street or part of street; said tax to be levied on the last assessed valuation of said real estate or lots respectively, as the same shall appear in the assessment roll of said city.

City clerk to give street Supervisors a list of persons taxed.

SEC. 2. Whenever the said City Council shall levy any tax for the purposes mentioned in the preceding section, the city Clerk shall make out and deliver to the Street Supervisor of the ward in which such tax shall be levied, or to such Street Supervisor as the said City Council may appoint for that purpose, a list of the persons and description of property taxed, and thereupon the said Street Supervisor shall notify the persons named in such tax list by posting up notices in three or more public places in the ward in which such tax shall be levied, specifying a time or times in such notice, not less than twelve days from the date thereof, when the taxes charged against the said persons and descriptions of property, may be paid in labor, materials or money, and the persons charged with such tax may at such time and place, as may be required by the said Street Supervisor, pay their taxes in labor, materials or money, provided the labor or materials offered in payment for such taxes, are suitable and such as may be required by said Street Supervisor.

Street supervisors to give notice when and how payment may be made.

Supervisor to make statement under oath to Council.

SEC. 3. At the expiration of such time as shall be specified by the City Council the said Street Supervisor shall return such tax list to the said City Council, accompanied with a statement in writing verified by his affidavit, subscribed to thereon, showing the amount of tax collected in labor and material and the amount collected in money and the manner in which the same was expended, and the items of such expenditure; also the taxes which remain unpaid, and the persons and description of real estate, or lots, to which such taxes stand charged.

SEC. 4. The City Clerk in making out the duplicate assessment roll next thereafter for said city, shall enter such unpaid

Unpaid taxes to be collected as general city taxes.

taxes in a separate column therein, with twelve per cent interest added thereto, opposite the names of the persons and description of property against which the taxes so remain unpaid; and such taxes shall be collected by the city Treasurer in the same manner as the other taxes for city purposes are collected, and when so collected shall be paid out on the order of the City Council for the benefit of the street or improvement for which they were originally assessed.

Assessor to give notice of revision of assessment.

SEC. 5. The Assessors of the several wards in said city, when they shall have made out a list of taxable property, as required by the act of incorporation, shall meet to review their assessment rolls on the first Monday of June in each year, at such time and place in their respective wards as they shall designate for that purpose by giving public notice thereof in writing, posted up in at least five public places in such wards, not less than six days previous to the time of meeting.

Manner of revision.

SEC. 6. The Assessors shall at such time and place of meeting as shall have been specified in the notice mentioned in the next preceding section, proceed to review their respective assessment rolls and hear applications of persons conceiving themselves aggrieved, in the same manner and with the same powers as is prescribed in chapter fifteen of the Revised Statutes of this State, relative to the duties of town Assessors, except that the time for the review of such assessment roll shall not be extended beyond the first Monday of July in each year.

When returns shall be made.

SEC. 7. The said Assessors shall hereafter make return of their assessment rolls to the Clerk of said city, on or before the first Monday of July in each year, and the City Council of said city shall annually on or before the first Monday of August determine and levy the amount of taxes to be raised for city purposes: Provided, That nothing in this section contained shall be so construed as to authorise said City Council to raise more than one per cent. in any one year for city purposes.

Equalisation.

SEC. 8. Upon the return of the several assessment rolls to the city Clerk, the said Clerk shall lay the same before the City Council, and thereupon the said Council shall proceed to equalise and correct the same in the manner prescribed in sections thirty-seven, thirty-eight and thirty-nine of chapter fifteen, of the Revised Statutes of this State.

Repealing Clause.

SEC. 9. So much of an act entitled "an act to incorporate the city of Kenosha," approved February eighth, eighteen hundred and fifty, relating to the duty of Assessors and to equalisation of assessment rolls as contravenes with the provisions of this act is hereby repealed.

SEC. 10. The city of Kenosha shall have the use of the jail

of Kenosha county for the imprisonment of any person liable to be imprisoned for the violation of any ordinance of said city, and all persons committed to said jail by the Marshal or any other officer of said city, shall be under the charge of the Sheriff of said county. Provision for use of county jail.

Sec. 11. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 8th, 1851.
NELSON DEWEY.

An act to incorporate the Strongsville Seminary. **Chap. 167**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. 1. That there be established and located in the town of Berlin, Marquette county, an Institution of learning by the name and style of "the Strongsville Seminary," and that Nathan H. Strong, Michael Myers, George N. Smith, A. N. Merriman, H. R. Merriman, Harvey Stedman, Charles Bartlett, Jeremiah Murphy, Thomas McClalland, James Field, Philo M. Hackley, and J. R. Dikeimer, and their associates and successors be and they are hereby created a body politic by the name and style of the Trustees of the Strongsville Seminary, by which name they and their associates and successors shall forever be known and declared and shall have succession and power to acquire, receive, purchase, possess, hold, retain and enjoy in deed and in law to themselves and their successors, property, real, and personal, and mixed; and the same to sell, grant or convey, rent or otherwise dispose of at pleasure, for the purposes of education and no other: Provided the amount of real estate owned by said association shall at no time exceed fifteen thousand dollars, and they shall have power under said corporate name to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, in all suits, actions, complaints and causes whatsoever, and they shall have a common seal and may alter the same at pleasure. Corporate powers. Proviso.

Sec. 2. The stock of said corporation shall consist of shares of ten dollars each, which shall be deemed personal property, and be transferable on the books of said corporation in such manner as may be directed by the Trustees of said association. Shares of stock transferable.

Sec. 3. The business relations of said corporation shall be

managed by a board of thirteen Trustees, and five of said Trustees shall constitute a quorum for the transaction of business; they shall be elected annually on the first Monday of January in each year by the Stockholders of said company, and shall hold their offices for one year and until others are chosen in their place. The election shall be by ballot, and each stockholder shall be entitled to one vote for every share owned by him or her to the number of four shares, and one vote for every four shares owned by him or her over and above that number: Votes may be given in person or by proxy: All meetings of the Stockholders shall be called by the Trustees or a majority of them, by publishing a notice thereof two weeks successively in a newspaper issued in said town, or by posting up notices in four public places in said town two weeks previous to said meeting: All meetings of the Stockholders shall be held in the village of Strongsville.

Election of trustees.

Of voting by shares or proxy.

Place of meeting.

SEC. 4. The persons named in this act shall be the first board of Trustees, and shall hold their offices for the term of one year from the first Monday in January, A. D. one thousand eight hundred and fifty-one, and until others are chosen in their places.

Appointment of first board.

SEC. 5. The annual income of said Seminary shall never exceed the sum of five thousand dollars.

Limit of annual income.

SEC. 6. The Trustees of said Seminary (beside the general powers and privileges of a corporation) shall have power and authority: First, to adjourn from time to time as they shall deem expedient, and to elect their President, Secretary and other necessary officers: Second, to fill all vacancies which may occur in their number during the time for which they were chosen: Third, to contract with and employ all teachers, and provide suitable accommodation for giving instruction: Fourth, to take and to hold by gift, grant or devise any property, personal, real or mixed, to sell, mortgage, let or otherwise use or dispose of said property for the benefit of said Seminary.

Specific powers.

SEC. 7. There shall be an annual election on the first Monday of January by the Stockholders of said company; the officers to be elected shall be a President, a Vice President, a Secretary, a Treasurer, a Librarian, and thirteen Trustees.

Annual election of officers.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 8th, 1851.
NELSON DEWEY.

AN ACT to provide for laying out certain roads therein named. Chap. 16

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That William Fields, George N. Henderson, and David Ordway are hereby appointed Commissioners to lay out and establish a state road from a certain angle post on the north line of section sixteen, in the town of Fountain Prairie, in the county of Columbia, so as to intersect a state road passing through said town from Fall River to the town of Springvale in said county, thence easterly on the most feasible route to the village of Beaver Dam in the county of Dodge. Appointment Commissione

SEC. 2. That T. A. Boyd, William Bach, and James Bennet, are hereby appointed Commissioners to lay out and establish a state road from Manitowoc to the north-west quarter of section six (6), in township twenty-two (22), north of range twenty-one (21) east, in the county of Brown. Appointment Commissione

SEC. 3. That James W. Hawkins, C. La Warren, and Philo Elsea are hereby appointed Commissioners for laying out and establishing a state road from Mayville in the county of Dodge, on the most feasible route to the village of Oshkosh in the county of Winnebago. Appointment Commissione

SEC. 4. That J. C. Lomis, A. Decker, and W. R. Longstreet be and are hereby appointed Commissioners to lay out and establish a state road from the village of Port Washington in the county of Washington, on the most feasible route to the village of Fond du Lac in the county of Fond du Lac. Appointment Commissione

SEC. 5. That Edward D. Pattengill, James Cochron, and Lorenzo Wood be and are hereby appointed Commissioners to lay out and establish a state road from the village of Fort Winnebago to the village of Packwaukie, situate on Buffalo Lake in Marquette county, and thence to Plover in the county of Portage. Appointment Commissione

SEC. 6. That Luke Labott, J. S. Ewing, and A. K. Brush be and are hereby appointed Commissioners to lay out and establish a state road from Delhi in Winnebago county, on the most feasible route to Plover in the county of Portage. Appointment Commissione

SEC. 7. That E. D. Pattengill, F. F. Hollenbeck and L. M. Axford be and are hereby appointed Commissioners to lay out and establish a state road from the village of Packwaukie, situate on Buffalo Lake in Marquette county, to the Dells on the Wisconsin river in the county of Sauk. Appointment Commissione

SEC. 8. That Daniel H. Hubbard, Phillip Frank and Charles Windross be and are hereby appointed Commissioners to lay out and establish a state road from Duck Creek at a point where the Green Bay road crosses said creek near the house of Wm. Root, thence on the most feasible route to Big Swancee river, crossing near the west line of section 21, town- Appointment Commissione

ship 25, range 20, thence to Little Swancee river, crossing near the mill of Langton, thence to Oak Orchard near the dwelling of Charles Windross, and terminating at or near the mills of David Jones on the Oconto river in Brow county.

Compensation may be made by certain counties

Sec. 9. The said Commissioners shall receive for laying out of said roads such compensation as the Supervisors of the several counties through which the roads shall run may determine: Provided, that no money shall be appropriated therefor from the State treasury.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 8th, 1851.
NELSON DEWEY.

Chap. 169 An Act to lay out and establish a State road therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

Sec. 1. That H. G. Martin, John O'Leary, and J. Jewett, be and they are hereby appointed Commissioners to lay out a state road from some point in the village of Strongsville, in the town of Berlin and county of Marquette, on the most feasible and direct route to the town of Ceresco in the county of Fond du Lac.

Compensation may be had.

Sec. 2. That said Commissioners shall receive for the laying out said road, such compensation as the Supervisors of the several counties through which the road shall run may determine: Provided that no monies in the State treasury shall be appropriated therefor.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 8th, 1851.
NELSON DEWEY.

An Act to establish a certain road therein named.

Chap. 170 *The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

Declaration.

Section 1. That a certain road on the section line running north and south between sections number one and two, in the town of Metomen in the county of Fond du Lac, as laid out and established by the board of Supervisors of said town of Metomen, on the thirtieth day of May, A. D. one thousand eight hundred and forty-nine, is hereby declared to be a public highway.

SEC. 2. That section seventy of chapter sixteen, of title six of the revised statutes, is hereby suspended in its operation, so far as relates to the road mentioned in the foregoing section of this act. Suspension of General Provisions.

SEC. 3. This act shall take effect and be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 8th, 1851.
NELSON DEWEY.

[An Act to prevent the killing of Deer in certain months of the year.] **Chap. 171**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. No person in this State, except Indians, shall kill any wild buck, doe or fawn, during the months of February, March, April, May or June. When deer to be preserved.

SEC. 2. Any person violating any of the provisions of this act, shall, upon conviction thereof, be fined a sum not more than ten nor less than five dollars and costs of suit. Penalty for violation of this act.

SEC. 3. The penalties prescribed in this act shall be sued for and recovered by and in the name of the Overseers of the Poor of the town where the offence was committed, in an action to be commenced within three months after the commission of the offence, and shall be applied for the use of the poor of said town. Fines how recovered.

SEC. 4. This act shall take effect from and after the first day of May next.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 10th, 1851.
NELSON DEWEY.

An Act to limit the rate of interest. **Chap. 172**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The rate of interest upon the loan or forbearance of any money, goods or things in action shall be seven dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time: Provided, that it shall be competent for parties to contract for the payment and receipt of a rate of interest not exceeding twelve dollars on the one hundred dollars as aforesaid, in which case, Rate of interest seven per cent. per annum. Proviso.

such rate (exceeding seven dollars on the one hundred dollars) shall be clearly expressed by agreement in writing.

Limiting clause.

SEC. 2. No person or corporation shall directly or indirectly, take or receive in money, goods or other things in action, or in any other way, any greater sum or greater value, for the loan or forbearance of any money, goods or things in action than is above prescribed.

When limit is exceeded, the person paying may recover treble the am't.

SEC. 3. Every person, who, for any such loan or forbearance, shall pay or deliver any greater sum or value than is above allowed to be received, and his personal representative, may recover in an action against the person who shall have taken or received the same, and his personal representatives, treble the amount of the money so paid or value delivered, above the rate aforesaid, if such action shall be bronght within one year after such payment or delivery.

Contracts for illegal notes to be void.

SEC. 4. All bonds, bills, notes, assurances, conveyances, all other contracts or securities whatsoever, (except bottomry and respondentia bonds and contracts) and all deposits of goods or other things whatsoever, whereupon or whereby there shall be reserved or taken, or secured, or agreed to be reserved or taken, any greater sum or value, for the loan or forbearance of any money, goods or other things in action, than is above prescribed, shall be void, but this act shall not effect contracts made previous to the time this act shall take effect.

Persons offending to answer, on oath.

SEC. 5. Every person offending against the provisions of this act shall be compelled to answer on oath any bill that may be exhibited against him in the court of chancery in the proper county, for the discovery of any sum of money, goods or things in action so taken, accepted or received in violation of the foregoing provisions, or either of them.

Borrower need not offer to pay interest.

SEC. 6. Whenever any borrower of any money, goods or things in action, shall file a bill in chancery for a discovery of the money, goods or things in action, taken or received in violation of either of the foregoing provisions, it shall not be necessary for him to pay or offer to pay any interest whatever on the sum or thing loaned; nor shall any court of equity require or compel the payment or deposit of the principle sum, or any part thereof, as condition of granting relief to the borrower, in any case of usurious loan forbidden by this act.

Defendant may examine plaintiff in a plea of usury.

SEC. 7. Whenever in an action at law or suit in equity, the defendant shall plead the defence of usury, and shall verify the truth of his plea by affidavit, he may, for the purpose of proving the usury, call and examine the plaintiff or complainant as a witness, in the same manner as parties by law can now be made witnesses, and if the plaintiff or complainant shall fail to present himself as a witness, on due notice to him or his attor

ney, or give his deposition, the defendant shall be a competent witness to prove the usury.

When Court shall declare securities void.

SEC. 8. Whenever it shall satisfactorily appear to a court, that any bond, bill, note, assurance, pledge, conveyance, contract, security, or any evidence of debt has been taken or received in violation of the provisions of this act, the court shall declare the same to be void, and enjoin any prosecution thereon, and order the same to be delivered up and cancelled.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro temporeof the Senate.

Approved, March 10th, 1851.
NELSON DEWEY.

An Act to authorise Napoleon B. Millard and A. D. Bonesteel to build and maintain a [dam] across the Little Wolf River.

Chap. 173

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Napoleon B. Millard and A. D. Bonesteel, their associates, successors and assigns, are hereby authorized to construct and maintain a dam across the Little Wolf river at their present mill site, about two and a half miles above Grignon's mill.

How slide to be constructed.

SEC. 2. The said dam may be so constructed as to give ten feet head, and the owner or owners thereof shall build and keep in good condition a sufficient slide, not less than thirty feet wide and so constructed as not to cause a fall of more than three feet to every twelve feet of surface, to admit of the passage of rafts and timber down said stream.

Penalty for wilful injury to dam

SEC. 3. Any person or persons committing any malicious injury to said dam, shall be liable to the owner or owners thereof for the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction, and in accordance thereto, upon conviction therefor, be punished in the manner provided by law for offences of that nature.

SEC. 4. This act may be altered, amended or repealed by any subsequent legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, 11th, 1851.
NELSON DEWEY.

Chap. 174 [An Act to authorise the laying out of a State Road in Sauk County.]

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out road.

SECTION 1. That Lorenzo B. Needham, James Taylor and George Mertons, are hereby appointed commissioners to lay out and establish a State road from King's tavern in the town of Kingston, by the way of Leland's mill, to the State road at or near the residence of Jonathan Harris in the town of Honey Creek, in the county of Sauk.

County supervisors may pay for services.

SEC. 2. The commissioners appointed under the provisions of this act shall, upon the performance of the work, be entitled to such compensation for their services, as the Supervisors of the county shall allow to be paid out of the county treasury:

Proviso.

Provided, no money shall be paid out of the State treasury for the same or any part thereof.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 175 An Act to incorporate the Madison and Swan Lake Railroad Company.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Commissioners appointed to receive subscriptions.

SECTION 1. That Leonard J. Farwell, Simeon Mills, J. Sprague Pardee, George P. Delaplaine, Moses Kneeland, J. C. Fairchilds, Joseph Utley, Yates Ashley, William T. Bradley, James D. Ruggles and Archibald Tredway be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Madison and Swan Lake railroad company hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving sixty days' notice of the times and places of taking such subscriptions, by publishing the same weekly in a public newspaper published in the county of Columbia, also a newspaper published in the county of Dane.

Conditional grant of corporate powers.

SEC. 2. The capital stock of said company shall be five hundred thousand dollars in shares of one hundred dollars each, and as soon as three hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, and a statement shall be deposited with the Treasurer of Dane county, an-

thenicated by the oath of the Secretary, and two or more of said commissioners, that such subscriptions and payments have in good faith been made, the subscribers of such stock, with such other person as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the "Madison and Swan Lake railroad company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, negotiating loans, or tsansacting other business incident to a corporate body, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and generally do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of said corporation.

Commissioners to give notice of election of directors.

SEC. 3. That the said commissioners or a majority of them, after the said three hundred shares of stock shall have been subscribed as aforesaid, shall give thirty days' notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing nine directors, and annually thereafter the said stockholders shall meet the first Monday in July, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors for the time being, in such newspapers as they may deem advisable: Provided, that previous to the first election, the commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors: And provided, that if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid, that until such election the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: And provided also, that in case of vacancy from the death or resignation of any director his place shall be filled by the board of directors.

Proviso.

Directors to hold over till successors are qualified.

Directors to appoint the President.

SEC. 4. The affairs of the said corporation shall be managed by a board of nine directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorised, which directors shall appoint one of their own number President, and shall respectively serve for one year, or until other directors be elected; they shall have power

to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company: Provided that none but stockholders shall be elected directors, and at every such election and in all other cases upon which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and also that in all cases of elections for directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

Proviso.

Stock to vote.

SEC. 5. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. Five directors shall be a quorum for the transaction of business, who, in the absence of the President, may appoint a President, pro tem; the said directors shall appoint a Secretary, Treasurer, and such Engineers and other officers as they shall find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of every person or persons failing to pay any instalment so required, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; to regulate the rate of fare and freight; to make such covenants, contracts and agreements, with any person, co-partnership, or body politic, whatsoever, as the execution and management of the works and convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company: Provided, That no instalment called in at any one time shall exceed twenty dollars per share, and that no instalment shall be called by the directors without at least sixty days notice thereof in the newspapers hereinbefore mentioned.

General and specific powers.

SEC. 6. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the President, countersigned by the Secretary, and sealed with the common seal, subject, however, to all payments due, or to grow due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardian or trustees under such regulations as may be provided for by the by-laws of the company.

Stock transferable under certain conditions.

SEC. 7. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the prece-

ding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth in amount of the capital stock, on like notices as that required for annual meetings, specifying moreover the object of the meeting; no business shall be transacted at such special meeting unless a majority in value of the stockholders shall appear in person or by proxy. Directors to exhibit a statem't annually.

Sec. 8. The said company shall have power to locate and construct a single or double track railroad from such eligible point in the village of Madison, to such eligible point at or near Swan Lake, on lots nine, ten and fourteen, in section five, town ten, range twelve, in the county of Columbia, as shall be determined on by a majority of the directors, and shall have power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them; and they shall also have power to make, construct and erect all such side tracks, branches, turn outs, and connecting tracks, and also all such warehouses, machine shops, carriages, cars and other works and appendages, as may be necessary for the convenience of the company to the use of the said railroad, and also to connect said railroad and operate the same with other railroads and branch railroads in the State of Wisconsin. Location and construction.

Sec. 9. If said corporation shall not within five years from the passage of this act commence the construction of said railroad, and expend two thousand dollars or more thereon, and shall not within six years from the passage of this act construct, finish and put in operation a single or double track railroad from the village of Madison to Swan Lake, then the right, privileges and power of said corporation under this act shall be null and void. Condition of Charter.

Sec. 10. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided in such cases respectively: Provided, That the said corporation shall not in their corporate capacity, hold, purchase or deal, in Appropriation of necessary lands how made

Proviso.

any lands within this state, other than the lands on which said road shall run or which may hereafter be granted by Congress for the purpose of aiding in the construction of said road, or which may be actually necessary for the construction and maintainance thereof and of the warehouses, machine shops and other fixtures connected therewith.

Judge of circuit court may appoint commissioners in certain cases.

SEC. 11. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or for the damage sustained, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the judge of the circuit court of the county in which such lands shall be situated, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey such lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the said owner or owners thereof may have sustained, by reason of the taking of the same for the construction and use of said railroad, or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, to the said owner or owners, and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace, or other person competent to administer an oath, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above all benefits and advantages which such owner or owners shall derive from the construction of such railroad, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners, as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said judge, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside; and it shall be the duty of the said clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said report, as hereinafter provided, then the clerk shall record the same at the expense of said company.

Commissioners to take oath.

Commissioners to make return of valuation to Clerk of circuit court.

and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: Provided, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner of owners from the construction of such railroad, and judgment of court shall be entered accordingly: Provided also, That it shall not be lawful for the said commissioners, or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their guardian or Trustee, if any there be, or in such manner as the court may direct: Provided also, That upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said railroad, may immediately take and use the same, without awaiting the issue of any appeal brought thereon.

Proviso.

Appeals to be tried by jury.

Proviso.

When notice may be served on Trustees.

Proviso.

Sec. 12. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same, as fully as if it had been conveyed in fee simple, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: Provided, That the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company except in cases where upon appeal the verdict of the jury shall be for the same, or a less sum, than that reported by the said commissioners.

When title to lands considered perfect.

Proviso.

Extension of right in certain cases to enter upon Lands.

SEC. 13. It shall be lawful for said company, their officers, engineers and agents to enter upon lands adjacent to the rail road beyond the limits of four rods in the manner provided in the tenth section of said act when necessary for the purpose of erecting depot buildings, station houses and necessary fixtures for the operation of the business of said road and for the purpose of drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the said limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road and to deposit earth and gravel and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage; and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeable to the provisions contained in the eleventh section of this act.

Railroad not to obstruct other roads.

SEC. 14. The said rail road shall be so constructed, as not to impede or obstruct any public road, and in all cases where said rail road may cross any public road, it shall be the duty of said company to make sufficient passage-way, to enable all persons travelling on such public road to cross the same without inconvenience, and it shall be lawful for said company to construct said rail road across any public or private road, after altering and putting the same in as good condition as before.

Rates of freight and passage.

SEC. 15. On the completion of said rail road, or of any portion of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for passage and freight of persons or property, as they shall from time to time think reasonable.

Penalties for wilful injury or obstruction.

SEC. 16. If any person shall wilfully or maliciously injure or destroy the said rail road so to be constructed by said company, or any part thereof, or any work, building or machinery attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company, by an action of debt, in any court having competent jurisdiction, and shall also be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court; and any person or persons who shall wilfully and maliciously place any obstruction or thing upon the track of said road or shall remove or damage any part thereof, in such a manner that the cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor,

whether such accident shall actually take place or not, and shall be punished for every such offence, by imprisonment in the state prison for a term of not less than one, nor more than five years, at the discretion of the court; and be liable to said company for all damages, and to any person or persons who may be damaged thereby, and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeable to the law in such cases made and provided.

Capital Stock may be increased.

Sec. 17. The stockholders holding a majority in value of the stock may at any annual or special meeting increase the capital stock of this company to an amount not exceeding six hundred thousand dollars.

Company may extend road and increase capital stock.

Sec. 18. The said company are hereby authorised to lay out, extend and continue the rail road authorised to be constructed by this act, from Swan Lake to some point at or near Fort Winnebago or Portage City, and whenever said company shall decide to extend said rail road as aforesaid, they may increase their capital stock to eight hundred thousand dollars, which shall be subscribed in shares of like amount as the original stock of said company, and for that purpose may re-open their books of subscription, or open new books, for the subscription of such additional stock, and may appoint such agent to attend to the same as may be deemed necessary for carrying out fully the provisions of this act.

Privileges, liabilities, &c., under the extension the same as under original road.

Sec. 19. The said company shall have the same powers in locating, constructing and continuing such extension as this act gives for locating any part of the road, and the liabilities of said company, and all the powers, regulations and restrictions, and authority, shall not in any manner be abridged, extended or altered by the increase of capital stock, or extension of road as aforesaid, except as to such alterations, extension and increase, as is authorised by the provisions of this and the last preceding section.

Rule of evidence

Sec. 20. This act shall be favorably construed to effect the purpose thereby intended; and the same is hereby declared to be a public act, and copies thereof printed by authority of the State, shall be received as evidence thereof.

Reservation.

Sec. 21. In case of a violation by the company of any of the provisions of this act, the legislature of the State of Wisconsin, may resume all and singular, the rights and privileges hereby granted to said company.

SEC. 22. This act shall be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 176

An Act to incorporate the Milwaukee and Watertown Railroad Company.]

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed to receive subscriptions.

SECTION 1. Edward D. Holton, Alexander Mitchell, Elphalet Cramer, James Kneeland, Daniel Wells, Jr., Hans Crocker, John H. Tweedy, George H. Walker, Byron Kilbourn, Daniel H. Chandler, John W. Medbury, William M. Dennis, Daniel Jones, Benjamin F. Fay, Luther A. Cole, Simeon Ford, Peter Rogan, Peter V. Brown and Edward Gilman be, and they are hereby appointed commisioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Milwaukee and Watertown raliroad company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subrcriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same weekly in a newspaper printed in the county of Milwaukee, and also in one printed in the county of Jefferson.

Conditional Corporate Powers.

SEC. 2. The capital stock of said company shall be five hundred thousand dollars in shares of one hundred dollars each, and as soon as five hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Milwaukee and Watertown railroad company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, as far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to

them it shall lawfully appertain to do, for the well being of the said corporation.

Sec. 3. The said commissioners, or a majority of them, after the said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing thirteen directors, and annually thereafter the said stockholders shall meet on the second Thursday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: Provided, that previous to the first election, the commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors: And provided, that if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid, that until such election the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: And provided, also, that in case of vacancy from the death or resignation of any director his place may be filled by the board of directors.

Commissioners to give notice of meeting to elect Directors.

Proviso.

Proviso.

Proviso.

Sec. 4. The affairs of the said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorised, which directors shall appoint one of their own number to be President, and shall respectively serve for one year, or until other directors be elected; they shall have power to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company.

Directors to appoint a President.

Sec. 5. None but stockholders shall be elected directors, and at every election, and in all other cases upon which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections for directors, the thirteen stockholders having the greatest number of votes shall be declared duly elected.

Stock to vote.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of the directors shall be a quorum for the transaction of business, who in the absence of the President shall appoint a President, pro tem; the said directors shall appoint a Secretary, Treasurer and such Engineers and other officers as they may find necessary; they shall have full

General and specific powers.

power to fix the compensation of all officers, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any instalment so required, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts and agreements, with any person, co-partnership, or body politic, whatsoever, as the execution and management of the works and convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company: Provided, That no instalment called in at any one time, shall exceed ten dollars per share, nor shall be called by the directors without at least thirty days notice thereof in the newspapers hereinbefore mentioned.

Proviso.

Stock transferable under certain regulations.

SEC. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the President, countersigned by the Secretary, and sealed with the common seal, subject, however, to all payments due, or to grow due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardian or trustees, under such regulations as may be provided for in the by-laws of the company.

Directors may call special meetings.

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year: and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting: but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Location and construction.

SEC. 9. The said company shall have power to locate and construct a single or double track railroad from the Milwaukee and Mississippi railroad, in the county of Waukesha, or from such eligible point in the city of Milwaukee, to such eligible point in the town of Watertown, in Jefferson county, as shall be determined on by a vote of the stockholders holding a majority of the stock of said company, at a special meeting called for the purpose of fixing the location or termination of said

road, and shall have power to transport, take and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical or other power, or of any combination of them; and they shall also have power to make, construct and erect all such side tracks, turn outs, and connecting tracks, and also all such warehouses, toll-houses, machine shops, carriages, cars and other works and appendages, as may be necessary for the convenience of the company to the use of the said railroad, and also to connect said railroad and operate the same with other railroads and branch railroads in the State of Wisconsin.

Condition of Charter.

Sec. 10. If said corporation shall not within three years from the passage of this act, commence the construction of said railroad, then the rights, privileges and power of said corporation under this act shall be null and void.

Appropriation of the necessary Lands—how made.

Sec. 11. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding five rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorised by their officers, engineers and agents, to enter upon lands adjacent to the railroad, beyond the limits of five rods in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposite earth and gravel taken from deep cuts, and to obtain earth, gravel and other materials, for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage, and all lands so acquired, and all damages which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for, in the manner and agreeable to the provision hereinafter provided, and when such damages shall have been paid for or tendered, the title to the land occupied by such

When title to lands shall vest in Company.

building, fixtures, excavations and embankments, shall vest in fee simple in said company: Provided, however, That this section shall not be so construed as to allow said company to erect said railroad through any garden, orchard or building, without having first obtained the consent of the owners thereof.

Proviso.

When Judge of Circuit Court may appoint appraisers.

SEC. 12. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner of owners thereof shall sustain or may have sustained, by reason of the taking of the same for the construction and use of said railroad, or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, to the said owner or owners, and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace or other person competent to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above all benefits and advantages which such owner or owners shall derive from the construction of such railroad, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners, as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said judge, and shall return the same within thirty days after their appointment to the Clerk of the circuit court of the county in which they reside; and it shall be the duty of the said Clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, then the said Clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on

Appraisers to make oath, &c.

Appraisers to report valuation to Judge thro' Clerk of Court.

motion of either party, at any term of said court: Provided, That either party may appeal to said court within thirty days after said report shall have been filed in the Clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such rail road, and judgment of court shall be entered accordingly: Provided also, That it shall not be lawful for the said commissioners, or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their guardian or Trustee, if any there be, or in such manner as the court may direct: Provided also, That upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representative, the said company, their agents, or the contractors for making or repairing said railroad, may immediately take and use the same, without awaiting the issue of any appeal brought therein.

Proviso. Appeals to be tried as other issues. Proviso. When not may be serv on guardian, &c

Sec. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same, as fully as if it had been conveyed in fee simple, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: Provided, That the costs of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company except in cases where upon appeal the verdict of the jury shall be for the same, or a less sum, than that reported by the said commissioners.

Company's title to land—how perfected. Proviso relating to costs.

Railroad not to obstruct other roads.

Sec. 14. The said railroad shall be so constructed, as not to impede or obstruct the free use and passage of any public road or roads, which may cross the same, and in all places where such rail road may cross or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway, or passage-way, to enable all persons travelling such public road to pass over or under such rail road without inconvenience: Provided, That in cases where such rail road may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good condition as before, and for that purpose the said company shall previous to occupying any part of such road, construct a new road in part, or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with as it was previous to the disturbance and occupancy thereof by said company.

Proviso.

Company may be required to make passage-ways in certain cases.

Sec. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company when required, to make a good and sufficient passage-way over or under said railroad, whenever the same may be necessary to enable the occupants of said lands, to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require: Provided, that said company shall in no case be required to make more than one passage-way for each farm, and when any public road shall cross such railroad, in any farm, the person owning or possessing such farm, shall not be entitled to require said company to make any additional causeway.

Proviso.

Rates for freight and passage.

Sec. 16. On the completion of said railroad, or any portion of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall from time to time think reasonable.

Penalty for wilful injury.

Sec. 17. If any person shall wilfully and knowingly break, injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, or machinery attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company, by action of debt in any court having competent jurisdiction, in the county wherein the offence shall be committed, and also be subject to indictment, and upon conviction of such offence shall be pun-

ished by fine and imprisonment, or either, at the discretion of the court.

Property subject to execution for debt.

SEC. 18. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, that all debts due said company shall be first paid.

Rule of Evidence.

SEC. 19. This act shall be favorably construed to effect the purpose thereby intended; and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin, shall be received as evidence thereof.

Penalty for wilful obstruction.

SEC. 20. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engines or cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor, whether such accident shall take place or not, and shall be punished for every such offence by imprisonment in the state prison for a term of not less than one, nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged thereby, and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Company to borrow money and issue securities therefor.

SEC. 21. The said railroad company are hereby authorised and fully empowered in their corporate name and capacity to borrow any sum or sums of money, from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make and execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this State or any other State where such transaction may be made to the contrary notwithstanding; and the officers of said corporation, for the purposes aforesaid, and for the purposes necessary to carrying out the object of said company, namely: The construction of a railroad from the city of Milwaukee to Watertown in the county of Jefferson, and the contracts and official acts of said company, declared binding in law and equity, upon said corporation, and upon all other parties to such contracts.

Contracts declared binding.

Reservation.

SEC. 22. In case of a violation by the company of any of the provisions of this act, the legislature of the State of Wisconsin, may resume all and singular the rights and privileges hereby granted to said company.

Company may purchase other Lands for certain purposes.

SEC. 23. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to the said road, for the purpose of procuring earth, gravel or other materials, for embankments and structures necessary to the construction or repair of said road or buildings and fixtures connected therewith, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company are hereby authorised to sell and convey the same.

Road may be extended to a certain point, and capital stock increased.

SEC. 24. The said company are hereby authorised and empowered to lay out, extend and continue the railroad authorised to be constructed by this act from the village of Watertown in the county of Jefferson, to a point at or near Fort Winnebago in the county of Columbia, and whenever said company shall decide to extend said railroad as aforesaid, they may increase their capital stock to one million five hundred thousand dollars, which shall be subscribed in shares of like amount as the original stock of said company, and for that purpose may re-open their books of subscription, or open new books for the subscription of such additional stock, and may appoint such agent to attend to the same as may be deemed necessary for carrying out fully the provisions of this act.

Privileges and liabilities the same as relate to the original road.

SEC. 25. The said company shall have the same powers in locating, constructing and continuing such extension of road, as they have upon that portion of the road from Milwaukee to Watertown, and all powers, regulations and restrictions, and all authority granted to and liabilities of said company shall not in any manner be abridged, extended or altered by the increase of capital stock or extension of the road aforesaid, except as to such alterations, extension and increase as is authorised by the provision of this and the last preceding section.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 11th, 1851.
NELSON DEWEY.

An Act in relation to the insurance on property in the city of Kenosha, made by individuals and associations authorised by law. **Chap. 177**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Insurance Agents to pay a certain sum to Treasurer of fire department annually.

SECTION 1. There shall be paid to the Treasurer of the Fire Department of the city of Kenosha, for the use and benefit of said Department, on the first day of January in each year, by every person who shall act in the city of Kenosha as agent for or on behalf of any individual, or association of individuals, company or association which may be incorporated for that purpose by any other state or country, the sum of two dollars upon one hundred dollars, and at that rate upon the amount of all premiums which during the year, or part of a year, ending on the next preceding first day of January, shall have been received by such agent or person, or by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent, or otherwise, against loss or injury by fire in the city of Kenosha.

Insurance Agents to execute a bond to Treasurer.

SEC. 2. No person in the said city of Kenosha, shall as agent or otherwise, for any individual or individuals, company or association, effect or agree to effect any insurance upon which the duty above mentioned is required to be paid, or as agent or otherwise, procure such insurance to be effected until he shall have executed and delivered to the Treasurer of the Fire Department of the city of Kenosha, a bond in the penal sum of five hundred dollars, with one or more sufficient sureties, such as the said Treasurer shall approve, conditioned that he will render annually to the said Treasurer, on the first Monday of January, in each year, a just and true account in writing, verified by his oath, that the same is a just and true account of all premiums which, during the year ending on the first day of January next preceding such report, shall have been received by him, or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in the city of Kenosha, or which shall have been effected, or promised by him to be effected, for or in behalf of any individual or individuals, association of individuals, company or association not incorporated by the laws of this State, and that he will semi-annually, on the first Monday of July and January in each year, pay to the said Treasurer the sum of two dollars upon every one hundred dollars, and at that rate upon the amount of all premiums received or agreed to be received by him, as such agent as aforesaid.

Forfeiture consequent upon violation of preceding section.

SEC. 3. Every person who shall effect or agree to effect, promise or procure any insurance specified in the preceding sections of this act, without having first executed the bond re-

quired by the preceding section, shall for such offence forfeit the sum of one hundred dollars, to and for the use of the Fire Department of said city, and the same may be sued for and collected in the name of the Fire Department of the city of Kenosha.

Insurance Agents to report to Treasurer of fire department certain facts.

SEC. 4. Every person in said city of Kenosha, who shall hereafter as agent or otherwise, for any individual or individuals, association of individuals, company or association, not incorporated by the laws of this State, effect or agree to effect any insurance specified in the preceding sections of this act, shall on the first day of January in each year, or within ten days thereafter, and as often in each year as he shall change his place of doing business in said city, report in writing under his proper signature, to the Treasurer of the Fire Department in said city, the name of the street, and number of the block at which he keeps his office, together with the name of the individual or individuals, association of individuals, company or association, for which he may act as such agent, and in case he shall neglect or refuse to render such report as required by this section, he shall for every such offence forfeit the sum of one hundred dollars, and the same may be sued for and collected in the name of the Fire Department of the city of Kenosha, for the use and benefit of said department.

Penalty for neglect.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

Chap. 178 An Act to vacate a part of the town plat of Wisconsin City in the County of Rock.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That so much of the town plat of Wisconsin City in Rock county as is laid off on the west half of the south west quarter, and the south half of the north west quarter of section three in township number two north of range number twelve east, be, and the same is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

An Act authorising the Governor to enter into a contract with Morgan L Martin for the improvement of Fox River between Lake Winnebago and Green Bay. **Chap. 179**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor is hereby authorised to accept the proposition made to him on the thirty-first day of January, A. D. one thousand eight hundred and fifty-one, by the Hon. Morgan L. Martin for the completion of the improvement of Fox river between Green Bay and Lake Winnebago, and to enter into contract with the said Morgan L. Martin according to terms and conditions thereof: Provided, That the said Morgan L. Martin shall give security satisfactory to the Governor, to complete said work on or before the first day of June, A. D. one thousand eight hundred and fifty-three. Proviso:

SEC. 2. The said work shall be paid for upon monthly estimates made by the State Superintendent, or the engineer, in the same manner as the work under previous contracts has been estimated and paid for, if there shall be funds in the hands of the Treasurer applicable to that object, and in case there shall be a deficiency of funds to pay said estimate, the board of Public Works shall give to said contractor, Scrip, signed by the President of said board and attested by their Clerk for the amount due on such estimates, which Scrip shall constitute a debt against said improvement for the payment of which and interest thereon at twelve per cent, payable annually on the first day of January in each year, the said improvement shall stand pledged and the said board shall levy tolls upon all tonnage passing through or along said improvement sufficient to pay the said interest as the same may accrue, and until the said liabilities shall be fully paid. Work to be paid for upon monthly estimates. Scrip to be issued in case of deficiency of funds.

SEC. 3. Whenever sufficient funds shall be realised to pay the debt so contracted or any part thereof, the Governor shall give public notice of the time and place, not exceeding ten weeks from the date of such notice, he will be prepared to pay the same, which notice shall be published for eight successive weeks in a newspaper printed at the seat of Goverment, and the interest on such portion of said liabilities as he may have advertised to pay shall cease from and after two months from the date of such notice. Governor to give notice when prepared to make payment of debt.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 180 An Act to change the name of the Village of Arena, county of Iowa.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The name of the village of Arena, in the county of Iowa, situated on the north-east quarter of the north-east quarter of section number twenty-four, in township number eight, (8) north of range number five, (5) east of the fourth principal meridian, is hereby changed to "Dover," and it shall hereafter be known in law and otherwise by said name.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Appoved, March 11th, 1851.
NELSON DEWEY.

Chap. 181 An Act to appropriate to Volney French the sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Volney French the sum of forty dollars in full for principal on Territorial Scrip issued June fourth and February nineteenth, A. D. one thousand eight hundred and forty-two by an act to provide for the payment of expenses of the Legislative Assembly, to wit. numbers thirty-eight, seven hundred and sixty, and four hundred and eighty, to be paid out of any money in the treasury not otherwise appropriated on the delivery of said Scrip.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 182. An Act to appropriate to J. Quintus the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, to J. Quintus, publisher of the Sheboygan Newsbode, the sum of fifty dollars in full for printing five hundred copies of the Governor's Me

sage in Dutch language, in January, eighteen hundred and fifty-one.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governer and President of the Senate.
Approved, March 11th, 1851.
NELSON DEWEY.

An Act to appropriate to Alexander F. Pratt the sum therein named. **Chap. 183**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated out of any mony in the treasury not otherwise appropriated to Alexander F. Pratt the sum of six hundred and fifty dollars in full payment for keeping state prisoners confined in the Waukesha county jail, to the first of January, one thousand eight hundred and fifty one and for services rendered and expenses incurred in pursuing and arresting state prisoners who escaped from said jail in the months of November and December one thousand eight hundred and forty nine.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11th, 1851.
NELSON DEWEY.

An Act to appropriate to James P. Whitney the sum therein named. **Chap. 184**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to James P. Whitney out of any money in the treasury not otherwise appropriated, the sum of thirty-six dollars, in full for professional services and medicines furnished to Joseph Palmer a state prisoner, confined in the jail in Milwaukee county during the year one thousand eight hundred and fiifty.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 185 An Act to appropriate a certain sum of money to Charles Weed.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to Charles Weed the sum of twenty-four dollars, in full pay and compensation for furnishing two Blank Books, of eight quires each, for the Journals of the present session of the Legislature, to be paid out of any money in the Treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Appoved, March 11th, 1851.
NELSON DEWEY.

Chap. 186. An Act to appropriate to Grant County the sum of money therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of any money in the Treasury not otherwise appropriated, to the county of Grant, the sum of one hundred and thirty-five dollars and thirty-three cents, the same being in full of the amounts overpaid by said county into the State Treasury for the years one thousand eight hundred and forty-nine, and eighteen hundred and fifty, in consequence of double assessments for three years.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 187 An Act relating to the Militia.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Governor to appoint General Staff

SECTION 1. The Commander-in-chief of the Militia of this State shall appoint the General Staff, and for the purpose of enumeration and enrollment of the militia, the State of Wisconsin shall be divided and organised into military divisions, brigades, regiments, battalions and companies, as follows, to wit: First division—The counties of Milwaukee, Waukesha, Racine, Kenosha, Walworth and Jefferson. Second division—

Military Divisions.

The counties of Dane, Rock, Greene, Iowa, Lafayette and Grant, Third division—The counties of Dodge, Columbia, Marquette, Waushara, Fon du Lac, Sheboygan and Washington. Fourth division—The counties of Winnebago, Calumet, Manitowoc, Brown, Utagamie, Waupacca and Door. Fifth Division—The counties of Crawford, Richland, Sauk, Adams, Portage, Marathon, Chippeway, St. Croix, La Pointe, Bad Ax, La Crosse and Oconto.

Division by Brigades.

Sec. 2. Each division shall be divided and organised into two brigades as follows, to wit: First division—the counties of Milwaukee, Waukesha and Jefferson, shall constitute the first brigade. The counties of Racine, Kenosha and Walworth shall constitute the second brigade. Second division—The counties of Dane, Rock and Greene shall constitute the first brigade. The counties of Iowa, Lafayette and Grant shall constitute the second brigade. Third division—The counties of Dodge, Columbia, Marquette and Waushara shall constitute the first brigade. The counties of Fond du Lac, Sheboygan and Washington shall constitute the second brigade. Fourth division—The counties of Winnebago, Calumet, Waupacca and Manitowoc shall constitute the first brigade. The counties of Brown, Utagamie and Door shall constitute the second brigade. Fifth division—The counties of Crawford, Richland, Sauk and Adams shall constitute the first brigade. The counties of Portage, Marathon, Chippeway, St. Croix, La Pointe, Bad Ax, La Crosse and Oconto shall constitute the second brigade.

Division by regiments and battalions.

Sec. 3. Each brigade shall be divided and organised into as many regiments as there are counties within its bounds; each county con-stituting a regimental command, except wherein separate battalions are herein provided for.

Sec. 4. The counties of Marathon, Chippewa, St. Croix, La Pointe, Bad Ax, La Crosse, Oconto, Waushara, and Waupacca shall each constitute a separate battalion.

Division of companies.

Sec. 5. Each county shall be divided and organised into companies as follow, to wit: Each town in each county as organised under the town system of government shall constitute a separate company beat.

Military Divisions to be governed by militia laws of U. S.

Sec. 6. The said divisions, brigades, regiments, battalions, and companies shall be officered and commanded in all respects in conformity with the provisions of the several acts of Congress of May eight, seventeen hundred and ninety-two, and of April twenty, eighteen hundred and sixteen, entitled "An Act more effectually to provide for the national defence by establishing an uniform militia throughout the United States."

Governor to appoint proper officers.

Sec. 7. The Governor shall appoint and commission all of the proper officers in the said divisions, brigades, regiments, battalions

Proviso. and companies, according to their respective ranks: Provided, that commanders of divisions, of brigades and regiments may select the staff officers of their respective commands.

Persons to be enrolled. SEC. 8. Every free, able-bodied white male person who has resided within this State one month, and is between the ages of eighteen and forty-five, shall be enrolled in the militia of this State: Provided, that exemptions from the performance of militia duty may be granted, as hereafter provided by law.

Proviso.

Town Assessor to furnish Clerk of Supervisors with a militia list, &c. SEC. 9. It shall be the duty of the town Assessor in each town in each county, as organised under the town system of government, on or before the first Monday of July annually, to make out and return into the office of the Clerk of the board of Supervisors of the county, a list of the names of all free able-bodied white male persons between the ages of eighteen and forty-five, who have resided for the term of one month within the bounds of said town, which list shall be separate from his assessment list, and shall be headed "Militia List;" for which service such assessor shall receive the sum of one cent for each person so by him returned on said list, to be paid in like manner as other services of such Assessor are paid.

Commanders of regiments to make returns to Adjutant General. SEC. 10. It shall be the duty of the several commanders of each regiment and separate battalion, on or before the first day of November annually to make out a separate roll of each company within the bounds of such regiment or separate battalion, which roll shall be copied and taken from the several returns of the town Assessors made as aforesaid; which said company rolls so made out shall be returned by such commanding officers, and separate battalions within one month thereafter to the Adjutant General, certified by such commanding officer to be the several rolls of the companies of militia within the bounds of his command; and any neglect or failure to perform the said duty shall be deemed a vacation of the commission of the officer so in default, unless such neglect or failure shall be accounted for satisfactorily to the Commander-in-chief.

Duty of Adjutant General. SEC. 11. It shall be the duty of the Adjutant General to receive and distribute all orders from the Governor as Commander-in-Chief of the militia, to the several officers of the said militia; he shall furnish to the several officers of the militia, all forms and returns connected with a proper discharge of their respective duties, for which forms and returns, together with all postage on letters or packages from or to him on subjects connected with military duty he shall be paid out of the State treasury on settlement of his account with the auditor; he shall give explanations and information on all matters connected with military duty to all milita officers whenever required by them; he shall receive and file all returns made to him

of the militia, agreeably to law, keep a book constituting a general roster of the militia of the State, noting therein the several alterations of the bounds of divisions, brigades, regiments, battalions and companies, and their respective numbers, as they may from time to time occur; he shall annually make a detailed report thereof to the Governor, to be submitted to the legislature, and shall also transmit annually to the proper department of the general government such returns as are required by the several acts of Congress in relation to the militia of the United States; he shall instruct the proper officers, of the form in which such returns shall be made to him, and shall also in the annual report to the Governor particularly designate the number of militia in each brigade and regiment, and the number and kind of volunteer corps attached to the same respectively; he shall also destribute any arms, military stores, clothing accoutrements, and camp equipage, to the proper officers when legally required; he shall deliver to his successor his seal of office, and all books and papers belonging to his office, and shall receive the sum of three hundred dollars annually as full compensation for all his services. Salary.

SEC. 12. Whenever, according to the returns of the numerical force of divisions, brigades, regiments, battalions or companies, it shall, in the opinion of the Commander-in-Chief become necessary to make any alterations in their respective bounds either by consolidation, or augmentation, in number in any manner whatever, the same shall be effected by general orders, and thereafter all officers necessary to be appointed in conformity with such alterations shall be appointed and commissioned according to the provisions of section seven of this act. Alterations of bounds Divisions, &c., to be made by general orders.

SEC. 13. It shall be the duty of the several Captains or commanding officers of each volunteer corps of infantry, artillery, riflemen, cavalry, or mounted men, to make return of and report to the Adjutant General annually, of the respective rolls of their companies at the same time that returns are herein required to be made by the commanding officers of regiments and separate battalions. Volunteer companies to report to Adjutant General.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 188 An Act to incorporate the Palmyra and Jefferson Turnpike and Plank Road Company.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners to receive subscription to Stock on notice.

SECTION 1. That John C. Holmes, Daniel Howel, A. B. Curtis, J. Powers, Elijah Higgins, Zebena Wilson, P. H. Turner, E. W. Graves, Reuben Wilson, Aaron Rankin, William Barre, Milo Jones and Dwight Foster, be and are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Palmyra and Jefferson Turnpike and Plank Road Company, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions, by publishing in a newspaper printed in the county of Jefferson, at least thirty days previous to opening the books of said company for the purpose of receiving subscriptions to the capital stock of the company, giving notice of the times and places of receiving subscriptions.

Name of corporation.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, with continued succession, by the name and style of the Palmyra and Jefferson Plank Road Company, for the purpose of constructing a turnpike road from the town of Palmyra, in the county of Jefferson, to the town of Jefferson, in said county, also to establish and construct a branch of said road from any point on the line of said road, to Fort Atkinson Village, in Jefferson county, as shall be deemed most advantageous to said corporation; which company shall have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real estate and personal estate as may be necessary for the construction and management of said road; to have and to use a common seal, and to pass all by-laws necessary for the government of said company.

Route of Road.

Corporate Powers.

Shares of Stock transferable.

SEC. 3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of twenty dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company.

Meeting to choose Director—how called.

SEC. 4. Whenever ten thousand dollars of the capital stock shall be subscribed for, and distributed, and ten per cent paid thereon to said commissioners for the use of said company, it shall be the duty of the commissioners named in this act, to call a meeting of the stockholders at such time and place as they shall designate, by giving public notice thereof in a newspaper published in said county "through which said road is run," for the purpose of choosing five directors of said company, and the persons then chosen shall be the first directors of said com-

pany, and shall hold their offices for one year, and until others are chosen in their stead; the board of directors shall choose one of their number as President of the company, who shall hold his office for one year, and until his successor is elected. At every election of said company, each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy. Stock to vote.

Sec. 5. The company when so organised, shall have the right to locate and construct a single or double track turnpike road between the points mentioned in section second of this act, or any part of the distance, and may connect the same with any other turnpike or other road. The track of said road shall be constructed of timber and plank, charcoal, stone or gravel, or partly of each, so as to have a hard, smooth and even surface. The particular manner of building said road to be determined by the said board of directors. When company may proceed. Directors to determine plan.

Sec. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the proper authorities of the town in which said road may be, for the right to use said highway for the purposes of said road, and the said proper authorities are hereby authorised to grant to said company the right to use any highway in the town as aforesaid, on such terms as they may agree upon. Directors may determine location.

Sec. 7. If said company shall not within five years from the passage of this act commence the construction of said road and shall not within that time construct a single or double track for a distance of ten miles then and in that case, it shall be considered a violation of this charter and all the rights, privileges and powers of said company under this act may be resumed by the State of Wisconsin and such disposition made with regard to any portion of said road which may have been constructed as the legislature thereof may deem meet and proper consistent with law and justice. Conditions of Charter.

Sec. 8. It shall and may be lawful for said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of said road doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings or any fixtures for the purposes of trade or manufactures, or any yard or enclosures necessary to the use and enjoyment thereof, without permission of the owners: and when the said route shall be determined by said company it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time, to enter upon, take possession of and use such lands to Occupation of land—when lawful.

the width of four rods; and also to take from any land adjoining said road, gravel, stone or earth for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in the case of land.

Compensation to be made.

When parties may appoint appraisers.

SEC. 9. Whenever it shall be necessary for said company to enter upon, and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for injury that may be done to such land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company, but if the parties cannot agree upon such persons, or if the persons so chosen cannot decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose, upon him made, or if such owner shall be under legal disability or out of the State, then it shall be lawful for the judge of the circuit court of the county in which such land lies on application of either party and at the cost and charge of said company, to appoint three disinterested persons of the said county, to view and examine said lands and estimate the injury or damage, if any, in their judgment will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day, each, for their services to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: Provided, That in case the owner of such land be under any legal disability, the costs of such assessment shall be paid by said company, and it shall be the duty of the appraisers estimating such damages to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road: Provided further, That either party may appeal to the said court within thirty days after such report may have been filed in the Clerk's office, and such appe

Company to pay expense.

When Judge of Circuit Court may appoint appraisers.

Compensation of viewers.

Proviso.

Appeals to be tried as other issues.

shall be tried as other issues arising in said court. And provided also, That upon payment of the sum specified in the report of said viewers or appraisers, to the owners of said land or a deposite of the same for their benefit with the Clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

Directors may appoint certain officers.

Sec. 10. The directors of said company may appoint a Secretary, Treasurer, and such other officers as they may deem necessary and shall have power to decide the time and manner and proportions in which stockholders shall pay money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person or persons failing to pay any instalment so required to be paid after advertisement of the same for a period not less than sixty days in a newspaper as herein provided: Provided, That no instalment called in at any one time shall exceed five dollars per share and no instalment shall be called in by the directors without giving at least thirty days notice thereof in a newspaper as aforesaid.

Proviso.

Directors to issue certificates of Stock.

Sec. 11. The directors elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they shall subscribe for, or hold in the said company, signed by the President and countersigned by the Secretary and sealed with the common seal, subject, however, to all payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians or trustees under such regulations as may be provided in the by-laws of the company.

Directors to make statement.

Sec. 12. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceeding year shall exhibit to the meeting a complete statement of the affairs and proceedings of said company for such year; and special meetings of the stockholders may be called by the directors, or by any number of the stockholders holding one fourth in amount of capital stock of said company on like notices as required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stock shall be then and there represented.

Toll gates and rates of toll.

Sec. 13. On the completion of said road, or any portion of the track not less than five miles, the company may erect one or more toll gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile for any vehicle drawn by one or two animals; and one cent for every additional animal; for every horse and rider or led horse, one cent per mile; for every score of sheep

or swine one cent per mile; and for every score of neat cattle two cents per mile.

Penalty for wilful obstruction.

SEC. 14. If any person shall wilfully and knowingly obstruct, break or injure or destroy the road so constructed by said company, or any part thereof, or any work or fixtures attached to or in use upon the same belonging to said company, such person or persons so offending, shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county, and shall also be subject to indictment, and upon conviction of such offence shall be punished by fine and imprisonment, or either at the discretion of the court.

Property subject to execution.

SEC. 15. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, that all debts due said company from such individuals shall be first paid.

When directors individually liable.

SEC. 16. The debts and liabilities of said corporation shall not exceed in amount, at any one time, fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law as provided for in this act.

Capital Stock—how increased.

SEC. 17. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company to complete said road.

Reservation.

SEC. 18. If said company shall abuse the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company, in relation to said road and the use of the same.

When company liable.

SEC. 19. That said company shall be liable for all injury or damage which any person may sustain in his person or property, by reason of the said road being out of repair, or any defect in said road.

SEC. 20. This act may be altered or amended by any future legislature of the State of Wisconsin.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

An Act to amend the Charter of the Rock River Valley Union Railroad Company. **Chap. 189**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Power to extend

SECTION 1. That said company shall have power and authority to extend the Rock River branch of the road to Lake Superior.

Capital Stock may be increased.

SEC. 2. Said company may in its discretion increase its capital stock three millions of dollars.

Number of Directors may be increased.

SEC. 3. Said company shall have power to increase its number of Directors to any number not exceeding fifteen.

Company may enter upon adjoining lands for materials required.

SEC. 4. The said company shall have the right to enter upon any lands, to survey and lay down said road not exceeding one hundred and thirty feet in width, and also to enter upon any lands adjoining said road, and obtain therefrom land, gravel, stone and other materials as may be necessary for the construction of said road, and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, the compensation to be paid therefor by said company shall be ascertained in the manner following, to wit: Said company shall apply to the judge of the circuit court of the first circuit, for the appointment of three commissioners, whose duty it shall be, at the earliest practicable time after their appointment, to proceed to examine and assess the damages which may be sustained by the several owners or claimants of the lands through which the road of said company is located, and the said commissioners in assessing said damages, shall deduct therefrom the benefit which said lands receive by the construction of said road. It shall be the duty of the said company to give thirty days notice of their application for the appointment of said commissioners, in one or more newspapers published in each of the counties through which said road is laid out, and in case no newspaper is published in any one of said counties, then by posting up such notice on the door of the court house in said county thirty days before the time of making such application, and it shall be the duty of said commissioners to cause ten days notice of their meeting to appraise the damages to any lands through which said road may run, to be given to the owner or claimant thereof, and in case said owner or claimant shall be a minor, insane person, or married woman, then such notice shall be given to the guardian, committee, or husband of such minor, insane person, or married woman. Either party feeling himself aggrieved by the decision of said commissioners, may appeal to the circuit court of the county in which said lands may be situated, and said appeal shall be tried in the same manner as any suit commenced therein: Provided, That said company shall not in any manner be

When not given how materials to be paid for.

Judge of Circuit court to appoint Commissioners to assess damages.

Duties of Commissioners.

Company to give notice of application for Commissioners.

Commissioners to give notice of meeting to appraise damages.

Right of appeal

No delay by appeal.

delayed in the construction of their road by any such appeal, but may proceed immediately with such construction, on paying into the office of the clerk of said court the amount of monies awarded to the owner or owners of said lands, and filing a bond with said clerk to said owner or owners, binding said company to pay such further sum as may be finally awarded against said company. The notice to be given by the commissioners to the owners of lands required for the railroad shall be in writing, and delivered to said owner or owners, or left at their usual place of residence, if residents of this State, or if non-residents, then said notice to be given in a newspaper published in the county in which said land is situated, at least four weeks before making such appraisement.

Notice to owners to be in writing

Notice—how to be given

Connection with other roads

SEC. 5. Said company is authorised and empowered to connect its road with the road of any railroad company or companies in the state of Illinois, or to become part owner or lessee of any railroad in said state, and any railroad company in said state of Illinois duly organised under the laws of said state of Illinois may connect its road with the road of said company, and may in like manner, with the consent of said company, become part owner or lessee of the road of said company, or of any of its branches, or any portion thereof situated in this state.

Company may borrow money and issue bonds therefor

SEC. 6. Said company is hereby authorised to borrow money to be expended in the construction and equipment of their said road and its appendages, and to issue bonds for the payment thereof in the usual form, said bonds not to exceed in the aggregate at the period of the completion of said road three fourths of the whole amount actually expended in said road and its appendages as aforesaid. And may make and execute in the corporate name of said company, all necessary writings, notes, bonds, or other papers for any liabilities that it may incur in the construction or equipment of said road.

Franchise to vest for a part completed

SEC. 7. The said company is hereby authorised and empowered to construct their said railroad and its branches in sections as fast as they may obtain the means for so doing, and the franchise of the portions so completed and put in operation, shall vest in said company the same as though the whole were completed.

Amendment by erasure

SEC. 8. Section second of the act to incorporate said company under the name of the Madison and Beloit Railroad Company, approved August the nineteenth, eighteen hundred and forty-eight, is hereby amended by striking from said section the words "for each mile separately."

Sections repealed

SEC. 9. Section eight, ten, eleven and thirteen of the act incorporating said company, entitled "an act to incorporate

the Madison and Beloit Railroad Company," approved August the nineteenth, eighteen hundred and forty-eight, are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Appoved, March 11th, 1851.
NELSON DEWEY.

An Act to amend an act entitled "An Act to incorporate the Port Washington, Horicon and Beaver Dam Turnpike Company," approved March 11, 1848. **Chap. 190**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Company may maintain a toll gate at a certain bridge.

SECTION 1. That so much of section fourteen of an act incorporating the Port Washington, Horicon and Beaver Dam turnpike company, approved March eleventh, eighteen hundred and forty-eight, is hereby amended so that said company shall have power to erect and maintain a toll-gate at the bridge crossing the Milwaukee river, in the town of Saukville, county of Washington.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11th, 1851.
NELSON DEWEY.

An Act to confer certain powers upon organised School Districts, and for other purposes **Chap. 191**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

School Districts may sue Town Superintendent in certain cases.

SECTION 1. It shall be competent for any legally organised school district in this State to commence suit on the official bond of the town Superintendent of common schools of the town in which such district is situated, for the recovery of any monies lawfully due and belonging to such district, in all cases where such town Superintendent shall neglect or refuse for the space of ten days from the time by law fixed therefor, to apportion and pay over to the proper officer of such district the school monies aforesaid.

School Districts or Town Superintendents may sue town or County Treasurers in certain cases.

SEC. 2. It shall also be competent for such school district, or the town Superintendent of common schools, in case of default of the town Treasurer or county Treasurer to pay over to the town Superintendent of the town in which such district is situ-

ated, the school monies which by law should be paid over to such Superintendent, to commence suit on the official bond of such town or county Treasurer for the recovery of such monies.

Suits may be commenced in the name of persons to whom Bond was given

SEC. 3. For the purposes of this act the said school district or the said Superintendent shall have full power and right to commence such suit in the name of the persons or officers to whom any bond as aforesaid shall be given, and to control and prosecute such suits without hindrance from the nominal plaintiffs to such suits: Provided, that such district or Superintendent, as the case may be, shall be responsible for any costs that may be finally adjudged against the plaintiffs.

Proviso:

Rule of Evidence and Jurisdiction.

SEC. 4. In the prosecution of suits under this act, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required in law in said suits. And any suit under this act in which the sum claimed to be justly due shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any Justice of the Peace, in the same manner as other cases.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

Chap. 192 An Act to vacate a part of a street in the Village of Omro.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Street vacated.

SECTION 1. All that part of Division Street being n orth of Water Street in the western addition to the village of Omro in the county of Winnebago is hereby vacated.

SEC. 2. This act shall be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

Chap. 193 An Act to authorise the laying out of certain State roads therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That A. B. Foster, Justus Showers and P. C.

Tremper be, and are hereby appointed Commissioners to lay out and establish a State road via Willow and Pine rivers, from the village of Eureka in Winnebago county, to Plover in the county of Portage. Commissioners to lay out road.

Sec. 2. Said Commissioners may adopt in the survey of said road, such part or parts of any road now laid out or authorised to be laid out, as they may deem expedient. Commissioners may adopt parts of other roads.

Sec. 3. The commissioners aforesaid shall also have power to lay out a State road from said village of Eureka, to intersect the road now running from Strongsville to Pine river, at or near the head of the Cranberry Marsh so called. Same Commissioners to lay out a certain other road.

Sec. 4. The Commissioners named in this act shall receive such compensation as shall be determined by the Supervisors of the counties through which the said roads may pass: Provided, That no part of the expense of laying out said roads shall be paid out of the State Treasury. County Supervisors shall determine compensation.

Sec. 5. This act shall be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

An Act to lay out and establish a State Road therein described. **Chap. 194**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Alonzo Hawley, Archibald Nichols and George B. Worth are hereby authorised to lay out and establish a State road, from Waushara in Dodge county via Lake Maria to Kingston in Marquette county: Provided, That no part of the expense of laying out said road shall be paid out of the State treasury. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11th 1851.
NELSON DEWEY.

An Act to incorporate the Rock River Insurance Company. **Chap. 195**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section. 1. That all such persons as shall become stock

Company incorporated.

holders in the capital stock hereinafter mentioned, their successors and assigns shall be and are hereby constituted and made a body politic and corporate by the name and style of the Rock River Insurance Company: The office of said company shall be at (or in the immediate vicinity of) the village of Watertown in this State.

Office—where to be held.

Capital stock—how divided.

SEC. 2. The capital stock of said company shall not exceed three hundred thousand dollars, and shall be divided into shares of fifty dollars each and there shall be paid into the treasury of said corporation by each subscriber to the capital at the time of subscription an instalment of five per cent. on the stock by him subscribed, the remainder to be paid or amply secured to be paid on real estate or other securities as the Commissioners hereinafter mentioned shall deem sufficient, and until two thousand shares of said stock is subscribed for and paid or secured to be paid as aforesaid, said company shall not commence business.

Five per cent. to be paid.

If not paid, balance to be secured.

Amount to be paid before commencing business.

Directors to be appointed—classes how divided, and when to expire.

SEC. 3. The stock, property, and affairs of said corporation shall be managed and conducted by fifteen directors, who shall divide themselves into three classes. The term of the first class shall expire on the first Monday of February succeeding, their election or as soon thereafter as others are elected in their stead: the term of the following classes shall expire successively on the first Monday of February in the following year or as soon thereafter as others are elected in their stead: The annual election for five directors shall be held on the first Monday of February in each year, at such time and place in Watertown as a majority of the directors shall appoint, of which notice shall be given in some public newspaper published and circulating in the counties of Jefferson and Dodge at least ten days previous to said election: said election shall be under the direction of three stockholders appointed by the directors, and directors shall be elected by a plurality of the votes of the stockholders and their proxies, allowing one vote for every share of stock.

Election and term of office of Directors.

Notice—how to be given.

Election—how held, &c.

Directors to elect President and Vice President.

SEC. 4. It shall be the duty of the directors on organising the company, and annually thereafter, to choose out of their number a President, and they may also elect in the same manner, a Vice President, and the Vice President shall perform the duties of the President, in case of his death, absence, or inability to act.

Commissioners appointed to receive subscriptions and call a meeting.

SEC. 5. Daniel Jones, Wm. M. Dennis, Peter V. Brower, Jonathan A. Hadley and Hiram Barber, shall be commissioners to receive subscriptions to the capital stock of said company, and when said stock shall be subscribed and paid or secured to be paid, as mentioned in the second section of this act, they

commissioners shall call a meeting of the stockholders by an advertisement published at least ten days previously in some newspaper published in the village of Watertown stating the time and place at which such meeting of the stockholders shall be held, and shall by ballot elect the first directors of said company; said commissioners shall act as inspectors of said election and if there shall be any deaths or resignations among the commissioners above appointed then the remainder shall elect others to supply the vacancies [so] occasioned.

General Powers of Company.

Sec. 6. The said company shall have power to make insurance upon vessels, freights, goods, wares and merchandise and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation, also upon dwelling houses, stores, and all kinds of buildings, household furniture and other property against loss or damage by fire, and also all and every insurance appertaining or connected with life insurance and to cause themselves to be insured when deemed expedient.

Contracts when properly subscribed binding.

Sec. 7. All Policies of Insurance or other contracts authorised by this act which shall be made and entered into by this corporation may be with or without seal thereof and shall be subscribed by the President or Vice President and attested by the Secretary and being so signed, executed and attested, shall be binding and obligatory upon said corporation.

Company may hold and sell Real Estate on certain conditions.

Sec. 8. It shall and may be lawful for the said company to take and hold any real estate or securities mortgaged or pledged to the said company to secure the payment of any debt which may be contracted with said company and to foreclose the same and to purchase on sales made by virtue of any judgment at law or by any order or decree of any court of equity or any other legal proceedings or otherwise to receive and take any real or personal estate in payment or towards satisfaction of any debt previously contracted and due to the same company and to hold the same until they can conveniently sell and convert the same into money or other personal property, and also to invest the capital stock or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide and call in and reinvest the same so often as it shall be deemed necessary for the interest of the said company.

Stock transferable.

Sec. 9. The capital stock of said corporation, shall be transferable according to the rules and regulations prescribed by the directors and every subscriber of any share or shares of said stock, who shall neglect to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed shall forfeit the same to the said corporation and all payments made thereon and all profits that may have arisen thereon.

Forfeitures.

Dividends may be made, but not to exceed clear profits.

SEC. 10. It shall and may be lawful for the directors of said company to make a dividend of so much of the profits of the said company as shall appear advisable, but the dividend shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired, and if the said directors shall at any time knowingly make a dividend of the capital aforesaid they shall be individually liable for the proportion of the stock so divided and an action of debt may be brought against them or any of them in any court of record in this State by any creditor of said company and each director present when such dividend shall be declared shall be adjudged consenting thereto unless he forthwith protest against such dividend and request his protest to be entered on the minutes of the company and give further notice to the stockholders of the declaring of such dividend by advertising his said protest within ten days thereafter in a newspaper published and circulating in the counties of Jefferson and Dodge.

When Directors individually liable for stock so divided.

Banking prohibited.

SEC. 11. Nothing contained in this act shall be construed to authorise the business of Banking.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 196. An Act to authorise the Treasurer of School District Number Five in the Town of Richfield and County of Washington, to collect school taxes for the years 1849 and 1850.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Treasurer to collect unpaid moneys.

SECTION 1. The Treasurer of school district number five (5) in the town of Richfield in the county of Washington, or his successors in office are hereby empowered and directed to collect all sums of money now remaining unpaid on any taxes voted for and levied at any district meeting or meetings in said district during the years eighteen hundred and forty nine and eighteen hundred and fifty for the erection of a school house or any other purpose.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 11th, 1851.
NELSON DEWEY.

An Act to amend Chapter one hundred and two of the Revised Statutes. Chap. 197

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Clerks of Courts to attach together certain pleadings.

SECTION 1. The Clerks of the several courts of record shall, within thirty days after the expiration of each term of their respective courts, attach together the pleadings and other papers forming the record in every cause in which a final judgment or decree shall have been rendered at such term.

Clerk to make certain memorandums and references.

SEC. 2. The Clerk shall make on[e] the back or margin of each pleading and paper so attached as memorandum of all orders and entries in relation thereto, with a reference to the book and page in which each order shall have been entered; and at the end of the documents attach a memorandum of the judgment or decree, stating the substance thereof, with a reference to the book and page in which the entry thereof is made.

Papers to be preserved.

SEC. 3. The papers so attached, with a memorandum required by the preceding section, shall be carefully preserved, as the roll of the judgments and decrees.

Bill of exceptions to be added.

SEC. 4. When any bill of exceptions shall have been allowed and signed, the Clerk of the court shall, within the same period, cause the same to be written out at full length, unless previously done, and attach such bill of exceptions to the roll, as a part thereof.

Return Executions to be also attached

SEC. 5. When an execution shall be issued and returned, the same shall in like manner be attached to the roll in the cause to which it appertains, and be made a part thereof.

When bills of Exception may be omitted in Transcript.

SEC. 6. In making out transcripts of records, except in suits of error, the bills of exception shall not be inserted, unless specially requested by the applicant therefor.

Clerk to make certain entries when judgment is given.

SEC. 7. Immediately after the rendition of a judgment, it shall be the duty of the Clerk to make the same entries in the judgment docket as he is now required to do at the time of filing a record of judgment, and after such entry such judgment shall be a lien upon the real estate of the par[t]y against whom such judgment was rendered.

Construction of certain laws.

SEC. 8. All laws of this State referring in any manner to judgment records, except in cases otherwise herein provided, shall be construed to refer in like manner to the judgment roll herein named.

Repealing clause.

SEC. 9. Sections one and two of chapter one hundred and two, and all other acts or parts of acts contravening this act, are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11, 1851. NELSON DEWEY.

Chap. 198 An Act to amend Section sixteen, Chapter one hundred and thirty-four, Title thirty, Part four, of the Revised Statutes.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Term of imprisonment.

SECTION 1. Section sixteen, of chapter one hundred and thirty-four, of title thirty, part four, of the Revised Statutes, is so amended that the imprisonment in the county jail shall be for the term of six months or less, at the discretion of the justice having cognizance of the same.

SEC. 2. All actions contravening the provisions of this act are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Appoved, March 11th, 1851.
NELSON DEWEY.

Chap. 199 An Act to authorise the laying out of a State road therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. L. A. Reed, W. G. Cooper and Randal Johnson be, and they are hereby appointed commissioners to lay out and establish a State road, from Depere to Kewaunee in Brown county: Provided, that no part of the expense of laying out said road shall be paid out of the State treasury.

Proviso

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 200 An Act to provide for proving pre-emption rights, and to amend Section forty, of Chapter twenty four, of the Revised Statutes.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

When pre-emptors may prove rights.

SECTION 1. Any person or persons who by any law of this State are entitled to pre-emption rights, to any of the school or university lands of this State, may at any time previous to the actual offering of such lands at public auction, prove their right to such pre-emption before the commissioners of school and university lands, at the capital of the State, in the same manner as is now provided by law.

Maps, &c., to be recorded.

SEC. 2. The Secretary of State, on receiving any reports, plats or maps made by any appraisers of school and university lands, shall employ competent draftsmen to record the same in the manner provided in section forty of chapter twenty-four of the Revised Statutes, the expense of which record shall be paid out of the income of the fund to which said reports, plats or maps may belong.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

An Act to lay out a State road from the village of Madison in the county of Dane, to the quarter-stake on section number thirty six, township number nine, north of range number two east, in the county of Richland

Chap. 201

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out a road.

SECTION 1. That Orrin B. Hazzletine of Dane county, Garwood Greene of Richland county and John T. Jones of Iowa county, be and are hereby appointed commissioners to lay out and establish a State road, beginning at Madison in the county of Dane, and running westerly by the head of Fourth Lake, thence to Black Earth Valley, (the north side of John W. Thomas' house, where the county road now runs from,) thence down said valley to Arena, thence westerly crossing the Wisconsin river, thence on the nearest and best ground to the east line of Richland county, at the quarter-stake on section number thirty-six, township number nine north, of range number two east.

Direction of Road

County Supervisors to make compensation.

SEC. 2. The commissioners appointed under the provisions of this act, shall upon the performance of the work be entitled to such compensation for their services as the Supervisors of the counties where such services are performed shall deem just and proper: Provided, that no part of the expense of laying out said road shall be paid out of the State treasury.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 202 An Act to authorize the laying out of a State road therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out a road. Direction thereof. SECTION 1. That R. Walsh, William Wightman and George Ramsey are hereby appointed commissioners to lay out and establish a State road from the village of West Bend in the county of Washington, to the village of Sheboygan Falls in the county of Sheboygan.

Supervisors to make compensation. SEC. 2. The commissioners shall be entitled to such compensation for their services from the counties through which the road passes, as the board of Supervisors shall deem just.

Proviso: Provided, that no part of the expenses of laying out said road shall be paid out of the State treasury.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th 1851.
NELSON DEWEY.

Chap. 203 An Act to authorise Ebenezer Dakin to build a dam across White river.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Dam—who to construct—and height. SECTION 1. That Ebenezer Dakin, his heirs and assigns, shall have power to build and construct a dam, to the height of twelve feet, across the White river, in the county of Marquette, on or near section seventeen, town seventeen, range eleven, for hydraulic purposes.

Channel of river—how improved. SEC. 2. That said Ebenezer Dakin shall be further empowered, at his own cost to alter, enlarge and improve the channel of said river, from the point selected for the location of said dam, to its junction with Fox river, for the purpose of the free navigation of said White river.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 204 An act to authorise the laying out of a State Road therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That William Bach of Manitowoc, Solomon

Lombard of Greenbush, and William R. Longstreet are hereby appointed commissioners to lay out and establish a State Road from the village of Manitowoc, through the villages of Greenbush and Mayville, to Madison. Commissioners appointed to lay out road—route

SEC. 2. Said commissioners shall be allowed to employ such surveyors and other assistants for the survey of said road, as they may deem necessary. Commissioners may employ surveyors, &c.

SEC. 3. Said commissioners, surveyors and other assistants shall be entitled to such compensation for their services, from the counties through which said road passes, as the Supervisors of said counties shall deem just and reasonable: Provided, That no part of the expenses of laying out said road, shall be paid out of the State Treasury. County Supervisors to provide compensation. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 11th, 1851.
NELSON DEWEY.

An Act authorizing the State Treasurer to pay to the Town Superintendents certain School Funds in the hands of Jefferson county, to which they are entitled by law. Chap. 205

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of the State is hereby authorized and required to pay over, upon the orders of the town Superintendents of the several towns in the county of Jefferson, the amount of school money apportioned by the State Superintendent of Public Instruction, to each such town respectively: such order to be countersigned by the Town Clerk of the proper town, and directed to the State Superintendent of Public Instruction. State Treasurer to pay to the order of Town Superintendents.

SEC. 2. Such orders so drawn as above, shall first be presented to the State Superintendent of Public Instruction, and shall be by him endorsed, indicating thereon the amount of money apportioned to such towns, and such order so drawn and countersigned shall be sufficient vouchers for the payment of the amount of money called for thereby in the hands of the Treasurer in his settlement with the Treasurer of the county of Jefferson for such fund, so far as the same shall be paid upon such orders. State Superintendent to indorse orders prior to payment.

SEC. 3. This act shall take effect and be in force from and after its passage, and shall be and continue in force only so long as shall be necessary to close up account of school money in the hands of the Treasurer belonging to said county of Jefferson. Duration of act.

No Explanatory clause.

SEC. 4. This act shall not be so construed as to authorise the Treasurer of State to withhold from the county Treasurer of the county of Jefferson any portion of the school money remaining in the state treasury, upon demand of such county Treasurer exhibiting to the State Treasurer the satisfactory evidence that he is the legally authorised Treasurer of said county of Jefferson.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

Chap. 206. An Act to authorise the construction of a Dam across the outlet of Long Pond, in Fond du Lac County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Dam—who to construct—and height.

SECTION 1. Harrison C. Hobart and Patrick Donahue, their associates, successors, heirs and assigns, are hereby authorised to build and maintain a dam to the height of five feet, across the outlet of Long Pond, in sections twenty-five and six, in township fourteen north, range nineteen east, in the county of Fond du Lac; also to erect mills or other machinery, or in any other manner make use of the water for hydraulic purposes.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 11th, 1851. NELSON DEWEY.

Chap. 207. An Act to authorise the laying out of a State Road therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. Q. H. Barron, John Langdon and Abraham Morton, be and they are hereby appointed commissioners to lay out and establish a state road from Washara in the county of Dodge, to Pardeeville in the county of Columbia: Provided, That no part of the expense of laying out said road shall be paid out of the State Treasury.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11th, 1851. NELSON DEWEY.

An Act to authorize the construction of a dam across the Manitowoc River. Chap. 208

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Charles Klingholz, his associates, successors, heirs and assigns are hereby authorised to build and maintain a dam across the Manitowoc river, at any point included within lots numbered one (1), two (2), or three (3) in section twenty-six (26), in township nineteen (19), north of range twenty-three (23) east in the county of Manitowoc and State of Wisconsin; also to use the water of said river at or adjoining said point for the purpose of driving or working a flouring mill or mills, and for such other hydraulic purposes as he may deem expedient: Provided, the erection of the dam shall not flow the lands of others than the said Charles Klingholz. Dam—who to build, maintain, &c. Power to use water for hydraulic purposes. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

An Act to authorise certain State Roads therein named. Chap. 209

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That David Scott, Samuel Jones and C. E. P. Hobart are hereby appointed commissioners to lay out a state road from Berlin in Marquette county, via Waupaca Falls, to Wausau in the county of Marathon, on the most direct and feasible route. Commissioners appointed to lay out a road.

SECTION 2. Said commissioners are also authorised to lay out and establish a state road from Waupaca Falls to the Village of Mukwa, on the Wolf river.

SEC. 3. Said commissioners shall receive such compensation as may be determined by the Supervisors of the counties through which the said roads may pass: Provided, That no part of the expense of laying out said road shall be paid out of the State Treasury. Supervisors may grant compensation. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 210 An Act to change the name of the town of Plymouth.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed to Quitquire. SECTION 1. The name of the town of Plymouth in the county of Sheboygan is hereby changed to Quitquire, and it shall hereafter be known by that name in law and otherwise.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governer and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 211 An Act to change the name of the town of "Pike" in Kenosha county to "Somers."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed. SECTION 1. That the town of Pike in the county of Kenosha shall hereafter be called and known by the name of Somers.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 212. An Act for the relief of the town of Alto.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Certain road declared highway SECTION 1. That all roads heretofore laid out and established by the proper officers of the town of Alto, in the county of Fond du Lac, are hereby declared to be a public highway:

Proviso. Provided, That this act shall not affect any road which may have been discontinued by such officers.

SEC. 2. This act shall take effect and be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 11th, 1851.
NELSON DEWEY.

Chap. 213 An Act for laying out a State Road in the counties of Marquette and Winnebago

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Ira O. Segley, Benjamin H. Hisbree,

and Samuel Jones be and they are hereby appointed commissioners to lay out and establish a state road commencing in or near the village of Berlin, in the county of Marquette, thence via Pine river Post Office, on the most feasible route to the Waupacca Falls in the county of Winnebago. Commissioners appointed to lay out road route.

Sec. 2. Said commissioners shall be entitled for laying out said road, to such compensation as the Board of Supervisors of the several counties through which said road may pass may deem sufficient. Provided, That no money shall be paid out of the State Treasury for the same. Supervisors to provide compensation. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11, 1851. NELSON DEWEY.

An Act to authorise the laying out of a State Road therein named. **Chap. 214.**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows.

Section 1. A. P. Foster, David P. Ordway and J. Sprague Pardee, be and they are hereby appointed Commissioners to lay out and establish a state road from Beaver Dam in the county of Dodge, to Pardeeville in the county of Columbia, thence by the most practicable route to Fort Winnebago in said county: Provided, that no part of the expense of said road shall be paid out of the State Treasury. Commissioners appointed. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

An Act for the laying out of a State Road in the county of Marquette. **Chap. 215**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Levi Merril, M. W. Seely and William Austin are hereby appointed Commissioners to lay out and establish a state road from the village of Marquette in said county, to Princeton in the town of Pleasant Valley in said county of Marquette, upon the most direct and practicable route. Appointment of Commissioners to lay out road:

Sec. 2. The said Commissioners shall be entitled to receive for laying said road such compensation as the board of Supervisors of Marquette county may deem sufficient: Provided, Board of Supervisors of county to make compensation.

that no part of the expense of laying out said road shall be paid out of the State Treasury.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

Chap. 216 An Act for the relief of Sheboygan county.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Certain State officers to correct accounts vs the county.

Section 1. The Secretary of State is hereby authorised and empowered, on his being furnished with satisfactory proof by the Supervisors of Sheboygan county, to certify the amount now standing against said county, for arrearages of taxes that have resulted from double assessment and taxation of property in said county, and the State Treasurer is hereby required to credit the amount so certified to the county of Sheboygan.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate
Approved March 11, 1851.
NELSON DEWEY.

Chap. 217 An Act to attach certain territory therein named to the town of Bloomingdale

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Territory attached.

Section 1. That all the territory west of Fox river falling within the limits of town eighteen, of range fifteen, in the county of Winnebago be, and the same is attached, for all town purposes, to the town of Bloomingdale.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11, 1851.
NELSON DEWEY.

Chap. 218 An Act to authorise the laying out of a State Road therein described.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out road.

Section 1. That Christian Linde, William N. Davis and N. E. Hobart, be, and are appointed Commissioners to lay out

and establish a state road from Oshkosh in the county of Winnebago, on the most practicable route to Little Bull Falls on the Wisconsin river.

Compensation—how to be made.

Sec. 2. The Commissioners aforesaid shall receive for their services such compensation as may be determined by the Supervisors of the counties through which said road may pass: Provided, that no part of the expense of laying out said road shall be paid out of the State Treasury.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

An Act to provide for the laying out and establishing of certain roads therein named.

Chap. 219

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out a road. Route.

Section 1. That Daniel D. Billings, James C. Edson and Zenas C. German, be and they are hereby appointed commissioners to lay out and establish a state road commencing at the bridge over the Wisconsin river, at or near the Dells on the same, thence running on the east side of said river as near the same as may be practicable, to Point Boss, thence running to Grand Rapids in the county of Portage.

Commissioners appointed to lay out a road. Route.

Sec. 2. That J. Utley, William Rogan and Alford P. Foster, be and they are hereby appointed commissioners to lay out and establish a state road commencing at Fort Winnebago, thence through Pardeeville on the most feasible route to certain state road near the centre of section thirty four (34) in the town of Springvale, in the county of Columbia: Provided, That no part of the expense of laying out said road shall be paid out of the State Treasury.

Proviso

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11th, 1851. NELSON DEWEY.

An Act to the establish Cascade Academy.

Chap. 220

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Corporate powers granted to certain persons.

Section 1. James Preston, E. M. McIntosh, E. Bixby, N. C. Hamon, Luther Witt, Robert Lawson, H. R. Dancox, O.

Rogan, D. S. McIntosh, A. Hutchinson, E. Efner, A. H. Vanwie and Reed C. Brazelton, and their associates, together with such persons as may hereafter be associated with them, be and are hereby created a body corporate and politic with perpetual succession, to be styled by the name and title of the Cascade Academy, by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and equity; said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey the same, rent or otherwise lawfully dispose of at pleasure.

Shares of Stock transferable.

SEC. 2. The stock of said company shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by-laws of said corporation.

Who may call a meeting.

SEC. 3. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days' notice thereof, by posting up notices in at least three public places in the said village of Cascade, where said corporation is hereby located.

Election of trustees.

SEC. 4. At the first legally notified meeting, the stockholders shall have power to elect by ballot nine trustees, three of whom shall be elected for one year, and three for two years, and three for three years; and after the first election the [three] trustees may be elected annually: Provided, always, that all trustees shall hold their offices until others are elected in their place.

Proviso.

Stock to vote.

SEC. 5. At all elections and meetings of the company each stockholder shall be entitled to one vote for each share of stock owned by him

General Specific powers of Trustees.

SEC. 6. The Trustees shall have power—first, to elect from their number a President, Secretary and Treasurer, also to elect all other officers of the corporation—second, to call special meetings of the stockholders to fill vacancies in the board of Trustees—third, to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders, also to erect and keep in repair all necessary buildings for the use of said corporation—fourth, to employ suitable teachers and prescribe and direct the course of study and discipline to be observed in said academy—fifth, to prescribe the duties and fix the salaries of all the officers of said corporation, and to remove and suspend them from office for incapacity, immoral conduct or misbe-

havior in office, and to appoint others in their place—sixth, to make all such regulations and by-laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state.

Religious test not to be required.

SEC. 7. No religious test or qualifications shall be required of any trustee of said corporation, nor of any trustee of said institution.

SEC. 8. This act may be amended or altered by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
TAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 11, 1851. NELSON DEWEY.

Lt. An Act in relation to Smelters. [Chap. 221

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Smelters and others to keep certain accounts

SECTION 1. That from and after the first day of June next, every smelter, and every purchaser of lead or copper ore in the State, shall keep a substantially bound book, divided into suitable columns, in which shall be entered, from day to day as the ore is received, the following items, to wit: the day, month and year when the ore is so received; the name of the person of whom the ore is purchased; the name of the person who hauls or brings it to the furnace or other place of delivery; the name of the owner of the ground from which the ore is raised or obtained, and if the owner is not known, then the name of the diggings to be given, or the ground in some way described distinctly.

Where book to be kept.

SEC. 2. Said book shall be kept at the furnace, or at the usual place of business of the purchaser, smelter, or his agent, and shall be open to all persons at reasonable times for inspection and taking extracts.

Penalty for failure to keep such book.

SEC. 3. If any purchaser, smelter, or agent of the purchaser or smelter, shall fail to keep such book, or to make such entries, or shall unreasonably refuse to show the same for inspection, or shall make false entries therein, he shall be liable to a fine of ten dollars for every such offence, and for each day that he may fail to keep such book, separate actions may be brought for the penalty above named, on complaint made by any person, verified by affidavit that the statute has been violated, any Justice of the Peace in the county shall issue his summons against the person complained of in the case.

SEC. 4. And in case the owner or lessee of the furnace is

Proceedings in relation to non-resident, owner &c.

a non-resident; then, on complaint being made as aforesaid, an attachment may be issued as in case of non-resident debtors, or complaint may be made against the agent for the purchaser of such ore, at the option of the complainant.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Appoved March 11th, 1851. NELSON DEWEY.

Chap. 222 An Act for the relief of School Districts in the town of Pleasant Springs, in Dane County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The action of the town of Pleasant Springs in the county of Dane, taken at the last annual town meeting of said town, in relation to the distribution of the public school monies to the several school districts therein contained, shall, and the same is hereby declared binding on the school superintendent of said town in making the distribution of said school monies.

SEC. 2. This act shall take effect and be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 11, 1851. NELSON DEWEY.

Chap. 223 An Act for the laying out of a State Road in the county of Dodge.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. Spencer Givens, Charles Billinghurst and John C. Lewis, are hereby appointed Commissioners to lay out and establish a state road from the village of Dodge Centre in the county of Dodge, to the village of Hustisford in said county, upon the most direct and practicable route.

Route.

Compensation.

SEC. 2. The said Commissioners shall be entitled to receive for laying out said road such compensation as the board of Supervisors of the county of Dodge may deem sufficient:

Proviso.

Provided, no part of the expense for the laying out of said road shall be paid out of the State Treasury.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Assembly.
Approved March 11, 1851. NELSON DEWEY.

An Act for the laying out of a State Road in Dodge county. **Chap. 224**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sheldon Fox, Samuel B. Vinton and Allen H. Atwater are hereby appointed Commissioners to lay out and establish a state road from the village of Lowell in the county of Dodge to Oak Grove in the town of Fairfield in said county of Dodge, upon the most direct and most practicable route. Commissioners appointed to lay out road.

SEC. 2. The said Commissioners shall be entitled to receive for laying out said road such compensation as the board of Supervisors of Dodge county may deem sufficient: Provided, that no part of the expense of the laying out of the said road shall be paid out of the State Treasury. Compensation. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 11th, 1851.
NELSON DEWEY.

An Act to lay out a State Road from the junction of the Madison and Verona State Road in the county of Dane, to Wiota in the county of Lafayette. **Chap. 225**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Sylvestor Wheeler, Matthew Hause, Joel Britts, John L. Sarten and Jonas Loveless be and hereby are appointed commissioners to lay out and establish a state road, beginning at the junction of the Madison and Verona state road in the county of Dane, and running thence southwest on the present road, or as near as practicable, to Wiota, in the county of Lafayette. Appointment of Commissioners

SEC. 2. The commissioners appointed under the provisions of this act, shall upon the performance of the work, be entitled to such compensation for their services, as the Supervisors of the county where such services are performed, shall deem just and proper: Provided, That no part of the expense of laying out said road shall be paid out of the State Treasury. Compensation—how provided. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 226 An Act to lay out and establish a certain road therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appointment of Commissioners

SECTION 1. That Abraham Morton, C. J. Marsh, and Wellington Kollack, be, and are hereby appointed Commissioners to lay out and establish a state road from Pardeeville in Columbia county, via Montello to Stevens' Point in Portage county.

Compensation—how provided.

SEC. 2. The said Commissioners shall receive a fair compensation for their services, from the several counties through which said road passes, each county paying a just proportion of said expenses: Provided, that no part of the expense of laying out said road shall be paid out of the State Treasury.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

Chap. 227 An Act granting to John Coumbs and Thomas Andrew the right to keep and maintain a ferry across the Wisconsin river in the town of Richwood in the county of Richland.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Grant of sole right to maintain Ferry.

SECTION 1. John Coumbs and Thomas Andrew, their heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of fifteen years, of keeping and maintaining a ferry across Wisconsin river, on section number thirty-six, in town nine, north of range number two west in the town of Richwood in the county of Richland.

Regulations and Rates of Toll.

SEC. 2. The said ferry shall be subject to such regulations as other ferries are or may by law be subject, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by one or two horses or one yoke of oxen forty cents, for each additional horse or ox ten cents, for man and horse twenty-five cents, for cattle or horses in droves eight cents each: Provided, hogs and sheep shall not be charged more than three cents per head, and for foot passengers ten cents each.

Provision for amendment.

SEC. 3. Any future Legislature may alter or amend this act.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President of the Senate, pro tempore.
Approved, March 11th, 1851.
NELSON DEWEY.

An Act to appropriate to George Hyer the sum therein named. **Chap. 228**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to George Hyer, out of any money in the Treasury not otherwise appropriated, the sum of thirteen dollars and seventy-five cents, in full payment for publishing in the Waukesha Democrat, proposals for public printing for 1850, and notice respecting interest on canal lands, by order of Secretary of State. Amount appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

An Act to change the name of the town of Grand Kaukalin in the county of Brown **Chap. 229**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the name of the town of Grand Kaukalin, in the county of Brown, is hereby changed to Kau-kau-na, by which name it shall be hereafter known. Change of name

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th 1851.
NELSON DEWEY.

An Act to legalise the acts of the Clerk of the Circuit Court of Green County **Chap. 230**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That the official acts of Noah Phelps, the Clerk of the circuit court of the county of Green, in taking the acknowledgments of deeds and other instruments, from the first day of January, eighteen hundred and fifty, to the first day of March of the same year, be, and the said acts are hereby declared valid in law to all intents and purposes as the said acts would have been if the said Noah Phelps had, as such Clerk, been authorised by law to take such acknowledgments. Declared valid.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 11th, 1851.
NELSON DEWEY.

Chap. 231 An Act to authorize the construction of a bridge across Fox River at Grand Kaukalin.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Who to build and maintain bridge.

SECTION 1. That George W. Lawe, David P. Meade and Clark Knight, their associates and assigns, be, and they are hereby authorised and empowered to build and maintain a bridge across Fox river, at some convenient point on the rapids at Grand Kaukalin in the county of Brown.

Draw to be built

SEC. 2. Said bridge shall not be less than twelve feet wide, and shall contain a draw over the most navigable channel of said river, of sufficient width to pass and re-pass all boats and water cratts free of charge and expense and without unnecessary delay.

Rates of Toll.

SEC. 3. The persons herein named, their associates and assigns, shall have power after the completion of said bridge to demand and collect tolls for passing the same as follows: for every vehicle drawn by one horse or mule, ten cents; for every vehicle drawn by two horses, oxen or mules, twenty cents; for each additional horse, ox or mule, five cents; for every foot passenger, five cents, and for animals in droves, two cents each: Provided, sheep and hogs shall not be charged more than at the rate of one cent per head.

Proviso.

List of rates to be posted.

SEC. 4. The said persons herein named, their associates and assigns shall keep posted up in some conspicuous place on said bridge a list of the rates of tolls allowed by this act.

SEC. 5. This act may be amended, altered or repealed by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 232 An Act to provide for laying out a State Road from Menasha to Plover Portage.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That John Boyd, Lyman Fargo and David Sumner, are hereby appointed commissioners to lay out and establish a state road from Menasha to Plover in Portage county, by Fremont and the Little River Mills.

Supervisors may fix compensation.

SEC. 2. Said commissioners shall receive such sum for their services as the supervisors of the counties through which said road shall pass, may deem proper: Provided, That no money

Proviso.

shall be drawn from the State Treasury to pay for laying out said road.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

An Act to authorise the laying out of a State road in the counties of Brown and Portage. **Chap. 233**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That J. Wakefield, John Stephens and H. Wilcox be and they are hereby appointed commissioners to lay out and establish a State road from some point on Fox river, near Appleton, in the county of Outagamie, to Muckwa on Wolf river, and from thence to Plover in Portage county. Commissioners appointed. Route.

SEC. 2. The said commissioners shall receive, for the laying out said road, such compensation as the Supervisors of the several counties through which the said road shall run, may determine: Provided, that no monies in the State treasury shall be appropriated therefor. County Supervisors may determine compensation. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

An Act to authorise the laying out of a State Road therein named. **Chap. 234**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Wm. O. Giddings, John Nelson and David Humes, be, and they are hereby appointed commissioners to lay out and establish a state road commencing at or near the quarter line of section [—] in the town of Bloomingdale, in the county of Winnebago, thence north, on the most feasible route, to the village of Winneconna. Commissioners appointed. Route.

SEC. 2. The said commissioners shall receive for the laying of said road such compensation as the supervisors of the said County Supervisors shall fix compensation.

Proviso. county of Winnebago shall determine: Provided, That no moneys in the state treasury shall be appropriated therefor.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 235 An act to authorise the laying out of a State Road therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed. Section 1. That Ebenezer Brigham, Abraham Morse and Sexton B. Newcomb be, and they are hereby appointed commissioners to lay out and establish a State road commencing at or near the house of S. B. Newcomb, on the north-east quarter of section thirty, town seven of range nine east, in the county of Dane, thence running a south-easterly direction until it crosses the State road leading from Exeter to Fort Winnebago in the town of Verona, at the north line of A. D. Carleton's farm, on section ten, town six, north range eight east, thence nearly due west, until it intersects the road leading from Badger Mills to Mineral Point by the way of Blue Mounds.

Route.

County Supervisors to provide compensation. Sec. 2. The said commissioners shall receive for the laying of said road such compensation as the supervisors of the several counties through which the road shall run may determine: Provided, that no monies in the State treasury shall be appropriated therefor.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 236 An Act to provide for laying out and opening a State Road from Battlefield to Coon Prairie in Bad Ax(e) County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out a road. Section 1. That David Wright, William T. Sterling and John Graham, are hereby appointed commissioners to lay out and locate a state road from Battlefield at the mouth of Bad Ax(e) river, on the Mississippi river, to intersect with the road leading from Prairie du Chien to Black River Falls at or near

Coon Prairie in the county of Bad Ax(e): Provided, That nothing herein contained shall be construed, meant or taken, now or at any future time, as creating any liability or obligation on the part of the state of Wisconsin, or the county or town of Bad Ax(e) to pay the whole or any part of the expenses of the location or opening of said road. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11th, 1851.
NELSON DEWEY.

An Act relating to the duties of Sheriffs, Justices of the Peace and Constables. **Chap. 237**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of all Justices of the Peace, Sheriffs and Constables within this state, whenever they may have knowledge of any offence committed against the provisions of section forty-seven and fifty-two, of chapter one hundred and thirty-four, of the Revised Statutes, or against the provisions of any other Statute, the violation of which is by law made a misdemeanor, immediately to make complaint thereof before some Justice of the Peace within the county where such offence is committed, who shall issue his warrant, and upon arrest, proceed to try such offence in the manner prescribed in chapter one hundred and forty-five of the Revised Statutes. When Justices, &c. to make complaint.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 11, 1851.
NELSON DEWEY.

[Note.—The preceding law was published March 15, 1851.
WILLIAM A. BARSTOW,
Secretary of State.

An Act to authorise the laying out of a State Road therein named. **Chap. 238**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That John Stephens, James Gilmore and H. C. Sherewin be, and they are hereby appointed commissioners to lay out and establish a State road from the town of Grand Commissioners appointed. Route.

Chute in the county of Brown, to Stephens' Point on the Wisconsin river in the county of Portage.

Supervisors may grant compensation.

SEC. 2. The said commissioners shall receive for the laying out of said road such compensation as the supervisors of the several counties through which the road shall run may determine:

Proviso

Provided, that no monies in the State treasury shall be appropriated therefor.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 11th, 1851.
NELSON DEWEY.

Chap. 239. An Act to authorise the construction of a toll bridge across Fox River.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Who to build and maintain bridge.

SECTION 1. That Edward C. Foote, James Hanchett and Tracy P. Brigham, their associates and assigns, be, and they are hereby authorised and empowered to build and maintain a bridge across Fox river, at such point between the head and foot of Grand Chute Rapids as they may deem most expedient and advisable.

Draw to be furnished and kept free of charge.

SEC. 2. Said bridge shall not be less than twelve feet wide and shall contain a draw of sufficient width to pass and re-pass all boats and water crafts free of charge and expense and without unnecessary delay.

Rates of Toll.

SEC. 3. The persons herein named, their associates and assigns, shall have power after the completion of said bridge to demand and collect tolls for passing the same as follows: for every vehicle drawn by one horse or mule, ten cents; for every vehicle drawn by two animals, twenty cents, and for every additional animal, five cents; for every foot passenger, three cents, and for all animals in droves, two cents each.

List of Rates to be posted up.

SEC. 4. The said Edward C. Foote, James Hanchett and Tracy P. Brigham, their associates and assigns shall keep posted up in some conspicuous place on said bridge a list of the rates of tolls allowed by this act.

SEC. 5. This act may be amended, altered or repealed by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 11th, 1851.
NELSON DEWEY.

An Act to provide for the election of Supervisors in the city of Kenosha. Chap. 240

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. At the annual election to be held in the city of Kenosha on the first Tuesday of April next, and at each annual election thereafter, there shall be elected one supervisor in the first ward of said city, and one supervisor from the second and third wards of said city, who are hereby empowered and authorised to meet with and act in the county board of supervisors of the county of Kenosha, in the same manner and with the same rights and powers as is or may by law be prescribed and exercised by other members of said board. Supervisors—when elected. Their powers

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 11th, 1851.
NELSON DEWEY.

An Act to incorporate the Fond du Lac County Plank road Company. Chap. 241

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Mason C. Darling, William H. Walker, George McWilliams, T. D. Gillett, John Sewell, —— Brownson, D. R. Carran, John Root, E. W. Davis, William Starr, Addison Mapis, Franklin Lathrop, Charles F. Hammond, 2d, Joseph Scribner, George D. Curtis, Josiah Drummond, J. W. Carhurt, J. Look, Peter V. Saug, C. E. Stawund, L. P. Hill, C. J. Goss and B. F. Moon be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Fond du Lac county plank road company hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of receiving such subscriptions by publishing the same in one or more newspapers printed in Fond du Lac county. Commissioners appointed to receive subscriptions.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of ten dollars each, and as soon as five hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereon Incorporation.

actually paid in, or secured to the said company, the subscribers of such stock, with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic, by the name and style of the "Fond du Lac County Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal or mixed, in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

Corporate powers.

SEC. 3. The said Commissioners, or a majority of them, after said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more of the newspapers of the said county of Fond du Lac, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected, and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors, then in being, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: Provided, that until the first election of directors, the said Commissioners above named, upon the subscription of five hundred shares of stock, and the organizing of said Commissioners by the election by them of one of their number President, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Election of Directors—how made.

Proviso.

Vacancies—how filled.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by proxies duly authorised, and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote; and the majority of the votes cast shall govern, except in elections where the five persons having the greatest number of votes cast for directors, shall be declared duly elected.

Stock to vote.

SEC. 5. A majority of said directors shall form a quorum

for the transaction of all business, and shall organise by choosing one of their number President, and they shall have power to appoint a Secretary and Treasurer, and such other officers or agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of such agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation. General powers of Directors.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon, for failure to pay such instalments as may be called for, and also to adopt, in behalf of the company, a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter, for on account of the acts of said company or its officers. General powers of Directors.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name, and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interest of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she, or they, shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of the issuing of such certificate or certificates, which certificate or certificates shall be signed by the President and countersigned by the Secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. Directors may issue stock certificates.

SEC. 8. The said company shall have power to locate and construct a single or double track road from the village of Fond du Lac in Fond du Lac county, to the town of Rusendale and thence to the west line of the county; also, from the village of Fond du Lac aforesaid to the town of Waupau; by the most eligible and practicable routes, as the directors shall decide. The said company shall also have power to extend the said roads, and to build branches therefrom whenever they may Location and route of roads.

Capital Stock—how increased.

deem it expedient, and to increase the capital stock to three hundred thousand [dollars.] The said company shall have power to grant stock in, construct and use either of the said roads independent of the other the same as though the roads were incorporated by distinct acts of incorporation. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same when completed shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

Optional independence of Roads.

Occupation of Lands—when lawful.

Sec. 9. It shall and may be lawful for said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed:

Proviso.

Provided, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees, on each side of said road, as may endanger said road by falling or otherwise.

When Justice may issue warrant summoning Jury.

Sec. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any Justice of the Peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance, as jurors, to furnish a pannel of nine jurors, and from them the said company, or the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in

person, or by attorney, the sheriff or constable shall, for him, her or them, strike off, each, two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road; and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to review the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation, when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued; and if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road:— Provided, that it shall not be lawful for any justice and jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear, by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non compos mentis. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: Provided, that no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof.

Jury to act under oath.

Justice to report verdict to Clerk of Court.

Proviso.

Notice to owners—how serve

Proviso.

Sec. 11. The directors shall have power in their discretion to construct said plank road along and upon any road, or highway, now or hereafter to be laid, opened and established by the proper authorities, and of such width, and in such manner as the said directors shall determine: Provided, That such author-

Discretionary power.

Proviso.

ity shall first to proceed from the supervisors of the town in which such public highway may be situated. And they may erect toll gates, and exact toll from persons traveling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional [animal] for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for every score of sheep or swine, one cent per mile, and for every score of neat cattle, four cents per mile: Provided, That persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from tolls. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate an animal or carriage, subject to toll, until the toll thereon is paid.

Rates of Toll.

Proviso.

Directors may receive securities in payment for Stock.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal (property) to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company interest at the rate of twelve per centum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes, for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, in the same manner as if the same were made payable to individuals, or to their order or assigns.

Interest transferable.

Penalty for wilful damage.

SEC. 13. If any person shall wilfully, or knowingly, obstruct, break, injure, or destroy the said road, to be constructed by said company, or any part thereof, or any work, buildings, or fixtures attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county wherein the offence shall have been committed; and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for avoiding Toll.

SEC. 14. Any person who shall wilfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of the said company, and also for all damages done to the profits of said company in an action of trespass.

Capital Stock—how increased.

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

Conditions of Charter.

SEC. 16. If said company shall not, within three years from the passage of this act, commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not, within ten years from the passage of this act, construct, finish, and put in operation a single or double track plank road, the rights, privileges and powers of the said corporation under this act shall be null and void.

Rule of Evidence.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

SEC. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 12th, 1851.
NELSON DEWEY.

An Act to incorporate the Milwaukee and Lisbon Plank Road or Turnpike Company

Chap. 242

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name of corporation.

SECTION 1. The stockholders of the Milwaukee and Lisbon Plank Road Company having been duly organised and having complied with all of the provisions of chapter fifty of the Revised Statutes requisite for a complete organisation, under the

general Plank Road Law, according to the affidavit of the directors of said company endorsed on the articles of association, now on file in the office of the Secretary of State, and not being able to accomplish the objects of said association under the general law, are hereby declared a body politic and corporate by the name and style of "The Milwaukee and Lisbon Plank Road Company," with perpetual succession, and they shall retain all the rights and be subject to all the liabilities acquired or incurred under their previous organisation, and shall have all the privileges, franchises and immunities incident to a corporation, to wit: They shall be capable in law in their corporate capacity of sueing and being sued, of purchasing, holding, leasing, and conveying estate either real, personal, or mixed, and in their corporate name may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which they are authorised by law to do for the interest and well being of said company.

Corporate powers.

Election of Directors—how conducted.

SEC. 2. That the business and property of this company shall be managed and conducted by a board of seven directors, who shall be elected annually, at such time and place as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding such election, of not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws of said company. The election of the directors shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he or she shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy or vacancies shall happen in the board of directors, such vacancy or vacancies shall be filled for the remainder of the term by the remaining directors. The directors shall hold their office for the term of one year, and until others are elected in their place, and no person shall be a director unless he is a stockholder in the company. And no stockholder shall be entitled to vote for directors or for any other purpose, unless all assessments due on his stock shall have been paid before such election.

Stock to vote.

Qualification of voters.

Special Elections—when to be held.

SEC. 3. That in case it shall happen that an election for directors shall not be held on the day fixed for such election by the by-laws of said company, such corporation shall not for that reason be dissolved, but it shall be lawful to hold an election on any other day, for directors, as shall be provided for in the said by-laws and in all such cases the same notice of the time and place of holding such election shall be given as is required in the preceding section and all of the acts of the di-

rectors shall be binding as against said corporation until their successors shall have been elected.

Quorum.

Sec. 4. Four directors shall form a quorum for the transaction of business and the acts of a majority of such quorum shall bind the corporation.

Directors to choose a President.

Sec. 5. The directors at their first meeting after their election shall choose one of their number as President, and they shall supply a vacancy in the office of President whenever the same shall occur.

General and specific powers of Directors

Sec. 6. The President and directors shall have power to make and prescribe such by-laws, rules and regulations respecting the transfer of the stock, and the management and control of the property, business and affairs of said corporation as they may deem proper, and not inconsistent with the constitution and laws of this State or of the United States. They shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding ten per cent. in any one instalment, nor shall any two instalments be required to be paid within thirty days of each other. They may sue for instalments in the name of the corporation, after the same shall have been due thirty days, or may declare the shares of stock, on which said instalment shall have remained so due, forfeited to the use and for the benefit of said company, provided the same be not paid within thirty days after the publication of a notice to that effect in some paper published in the county where the owner or owners of such shares shall reside. And in case no paper shall be published in such county, then the same may be published in a paper in an adjoining county, or by written notice served upon such owners. They shall exercise all powers conferred on them by law, and pay all accounts, give and receive such receipts and discharges of debt as shall be deemed by them for the best interests of said company. They may prescribe the time for the meetings of stockholders, appoint and remove at their pleasure, a Secretary and Treasurer, an Engineer, and such other officers as they may find necessary, and prescribe the duties and compensation, and may require such security as they may think proper for the faithful performance of their trusts. They shall meet at such times and places as shall be prescribed in the by-laws. They shall have power to regulate tolls, and to make such covenants, contracts and agreements with any person or persons, or body politic whatsoever, as the execution and management of the work and construction of said road, the convenience and interest, the consolidation of the stock of said company, and the prosperity of said company

may require, and in general to superintend and direct all the operations of said company.

Division of capital Stock.

SEC. 7. The capital stock of said company shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of twenty-five dollars each. And said company shall have power to construct a single or double track plank road or turnpike road of a hard and even surface, and of sufficient width to admit of the easy passing of wagons and carriages from the city of Milwaukee to the village of Merton, over the route as located by said company under their former organisation. And they shall have power to extend said road to any eligible point in Dodge county, and may survey and locate said extension as soon as twenty-five thousand dollars shall have been actually expended on the main line of said road. And they shall have power to construct and build a branch road, commencing at some point between Milwaukee and Merton, and extending north or north-westerly, of not less than six, nor more than twenty-five miles in length. And they shall have power to erect all such gates, toll-houses, bridges and other works and appendages as may be necessary for the convenience of said company in the building and use of said road, and also to connect said road and branches, or either, with any other road in Wisconsin, and to unite and consolidate their stock with any such plank or turnpike road.

Road may be extended conditionally.

Consolidation of Stock

Occupation of lands—when lawful.

SEC. 8. It shall and may be lawful for said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank or turnpike road doing thereto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of and use such lands for the purposes of said road, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor or as shall be ascertained in the manner hereinafter directed and provided for.

When Justice may issue warrant summoning Jury.

SEC. 9. When the said corporation cannot agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purchase thereof or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners no such agreement or purchase can be made, then, and in such case it shall be lawful for any Justice of the Peace of the county in which the property may lie, to issue his warrant to the sheriff or any constable of said county not directly interested, requiring him to summon a jury of nine freeholders of said

county not interested in said property, to meet at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named any of the persons so summoned do not attend the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance as jurors to furnish a pannel of nine jurors and from them the said company and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him or her strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages and before they act as such, the said sheriff or constable shall administer to each of them an oath or affirmation, that he will faithfully and impartially value the lands or materials required for said road and all damages which the owner or owners shall sustain by reason of the construction of said road taking into consideration the advantage the same will be to the owner or owners according to the best of his skill and judgment, whereupon the said jurors shall proceed to view the land or materials so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all or a majority of said jurors and by the sheriff or other officers in attendance, and the said officer shall within five days thereafter, transmit the same to the Clerk of the county court of the proper county who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof, as aforesaid, and the valuation when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued as if it had been conveyed by the owner or owners thereof in fee simple: Provided, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives unless it be made to appear, by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting, for the purpose of making such valuation unless it shall in like manner be shown that such owner or owners are absent from the county and if such owner or owners are under age, or non compos mentis the service of notice on the guardian or Trustee (if there be any) or their absence from the county shall be required to be established by affidavit to the said jurors before they shall proceed to make

Jury to act under oath.

Jury, &c., to report to County Clerk.

Title, how perfected.

Proviso.

Upon whom notice to be served

Proviso. such valuation: Provided further, That in case of disagreement, the company shall not take possession of any land or material until said jury shall have first decided that the taking thereof is necessary, and in the case of materials that the same are not essentially necessary to the owner or owners, for his, her, or their private use.

Shares subject to execution for debt. SEC. 10. The shares of stock of the corporation shall be deemed personal property, and every person becoming a stockholder, by transfer, purchase, or otherwise, of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and said shares shall be liable to be taken in execution for the payment of the debts of their owners in such manner as is or may be provided by law: Provided, That all debts due said company shall be first paid. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of the said highway until the commissioners of highways for the town through which it passes, shall have given them written consent, which shall be recorded in the town clerk's office, or if the said commissioners refuse to give their consent, then the damages to the town shall be appraised for each highway so taken, or to be ascertained as in the case of private property, and the amount so appraised for each highway so taken, shall be paid to said commissioners of the town to which it belongs, to be by them applied in improving the roads in such town. And the commissioners of highways of such town shall be deemed the owner of such highway so taken for the purpose of service of notice of inquest, &c.

Appropriation of Highways—how made.

Rates of Toll. SEC. 11. The directors may erect toll-gates, and may exact toll from all persons traveling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than two animals, one cent a mile for every additional animal. For every vehicle, sled, sleigh or carriage drawn by one animal one cent a mile, and for every horse and rider or led animal one cent a mile, and for every score of neat cattle, four cents a mile: Provided, That persons going to and returning from military parade, at which they are required by law to attend, and persons going to and returning from funerals, shall be exempt from toll, and no toll shall be exacted of any person or persons while actually going to or returning from any religious meetings on Sunday.

Proviso.

Penalty for wilful injury. SEC. 12. If any person shall wilfully or knowingly obstruct, break, injure or destroy the plank or turnpike road so constructed by said company, or any part thereof, or any

building or fixture attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each and every of them for every such offence, be liable in a civil suit for the recovery of the damages by said company, by an action of trespass in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine not to exceed five hundred dollars, or by imprisonment not to exceed six months, or by both, at the discretion of the court.

Capital Stock—how increased.

Sec. 13. The directors of said company may at any annual or special meeting of the stockholders, with the consent of a majority of amount of such stockholders, provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

Conditional reservation.

Sec. 14. If said company shall violate any of the privileges hereby granted, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company by this act.

When company liable.

Sec. 15. Said company shall be liable for all damages that may be sustained by any person or persons, in consequence of the omission or neglect to keep said road in good repair and condition.

Who declared Directors.

Sec. 16. Leander Comstock, Joseph A. Phelps, R. Hoppin, Jr., Clark Brookins, Albert Fowler, Levi Russell and Lucius Botsford, having been duly elected directors of the Milwaukee and Lisbon Plank Road Company according to the former by-laws, rules and regulations of said company, are hereby declared to be the board of directors of this company and shall hold their office for the term of one year from the time they were so elected and until others shall be duly elected, and all their acts, and doings shall be as binding upon said company as they would be if they had been elected according to the provisions for the election of directors herein contained.

Penalty to avoiding payment of Toll.

Sec. 17. Each toll gatherer may detain and prevent from passing through his gate all persons riding, leading, or driving animals or carriages subject to tolls until they shall have paid respectively as authorised by this act; and any person who shall forcibly or fraudulently pass any toll gate erected on said road in pursuance of this act, without having paid the legal toll, and any person who to avoid the payment of legal toll shall with his carriage or horse or other vehicle or animal or animals, liable to toll turn out of such road or pass any gate thereon, or ground adjacent thereto, and enter again on said

road shall for each offence be liable to a fine not exceeding ten dollars.

Rule of evidence

SEC. 18. This act shall be favorably construed to effect the purposes thereby intended in all courts and places and the same is hereby declared to be a public act and copies thereof printed by authority of the state shall be received as evidence of all provisions herein contained, and shall be binding upon said company from and after the time when the President and directors of said company chosen under their former organization shall have filed their certificate of the acceptance of this act in the office of the Secretary of State.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 12, 1851.
NELSON DEWEY.

Chap. 243 An Act to exempt certain persons from paying a poll tax.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Poll tax exemption.

SECTION 1. The commissioned and non-commissioned officers, musicians and privates of each organized company of artillery, light infantry, riflemen or cavalry, which is now or shall hereafter be formed pursuant to chapter twenty-five, title nine, part first of the Revised Statutes, shall be exempt from paying a poll tax.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 12th, 1851.
NELSON DEWEY.

Chap. 244 An Act to declare a certain road in the village of Hazel Green a public highway.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Road declared public highway.

SECTION 1. That so much of the road leading through the village of Hazel Green in the county of Grant, commencing on the north line of lot number two (2,) in block number three (3,) in lower Hazel Green, running thence nearly north to the south-east corner of the north-west quarter of section twenty-five, in town one north, range one west of the fourth principal meridi-

an, be and the same is hereby declared to be a legal public highway.

SEC. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 12th, 1851.
NELSON DEWEY.

An Act to authorise the people of School District composed of parts of the towns of Porter and Union in the county of Rock, and parts of the town of Dunkirk in the county of Dane, to build a school house on the public square, in the village of Waucoma in the town of Porter. **Chap. 245**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to build school house.

SECTION 1. That school district known as part district number five (5,) in the town of Porter, and part district number seven (7,) in the town of Union in the county of Rock, and as part district number eight (8,) in the town of Dunkirk in the county of Dane, be, and said district is hereby authorised and empowered to build a good and substantial school house on the public square in the village of Waucoma, in the county of Rock.

Legal voters shall determine precise location, &c.

SEC. 2. The legal voters of said school district shall, at any special meeting called for that purpose, after ten days' previous notice thereof, determine the precise location of said school house on said public square, and shall also determine by ballot the size and dimensions, and the cost of said house, and when so determined, the proper officers of said school district shall cause said school house herein authorised to be built to be begun and be completed as early as practicable, and said school house, when so built and constructed, shall be and remain the property of said school district and subject to all the laws in relation to school houses in other districts in this State.

Proper officers to cause house to be built.

SEC. 3. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 12th, 1851.
NELSON DEWEY.

An Act to authorise the laying out of a State Road in the counties of Solomon and Waukesha. **Chap. 246**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appointment of Commission.

SECTION 1. That William W. Treadway, Lester Gifford,

Route of Road.

and Milo Jones be, and they are hereby appointed commissioners to lay out and establish a State road from Fort Atkinson, in Jefferson county, to the town of Genesee in Waukesha county; said road to run in an easterly direction from Fort Atkinson by Rock River mills, to Seth B. Dustin's in Sullivan, from thence on the town line between Ottawa and Eagle, between sections thirty-three and five, and thence by Ottawa, on the most practicable route, to the said town of Genesee in Waukesha county.

Supervisors may fix compensation.

SEC. 2. The said commissioners shall receive for the laying of said road such compensation as the board of Supervisors of the counties of Waukesha and Jefferson may determine:

Proviso.

Provided, that no part of the expense of laying out said road shall be paid out of the State treasury.

SEC. 3. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 12th, 1851.
NELSON DEWEY.

Chap. 247 An Act providing for the manner in which the fees of Sheriffs shall be paid in certain cases.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Certain fees of Sheriffs to be paid from county treasury.

SECTION 1. All fees to which sheriffs and their assistants are by law entitled, for attendance upon any circuit or other court, except the Supreme court of the State, on which they are or may by law be bound to attend, shall be paid out of the treasury of the county wherein such service shall have been rendered, by the Treasurer thereof, in the same manner as the fees of grand and petit jurors are now paid for attendance upon such courts.

Publication.

SEC. 2. The Secretary of State shall cause this act to be published three times in some newspaper printed at Madison, and said act shall take effect from and after such publication.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 12th, 1851.
NELSON DEWEY.

An Act to authorise Henry Thien and his associates to build a dam across the Milwaukee river. Chap. 248

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Henry Thien and his associates, be and they are hereby authorised to erect and maintain a dam across the Milwaukee river in the county of Milwaukee, on lots one (1) and four (4) of section twenty (20) in township number eight (8) of range number twenty-two, (22) and to make use of the water for hydraulic purposes. Who to build and maintain dam.

SEC. 2. Said dam shall not exceed six feet in height above high water mark of said river: Provided, That if any lands should be overflown by reason of the erection of said dam, said Thien, his associates, successors and assigns, shall pay such damages as may be just and reasonable to the party or parties aggrieved. Height. Proviso. Damages.

SEC. 3. As soon as said river shall become navigable, said Thien, his associates or assigns shall construct a sufficient lock or locks for the free passage of all water craft. When locks shall be constructed.

SEC. 4. Said dam shall contain a slide not less than forty feet wide, for the passage of timber or lumber down said stream. Dam to contain slide.

SEC. 5. This act may be amended or repealed by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 12th, 1851.
NELSON DEWEY.

An Act to authorise the Trustees of the village of Sheboygan to borrow money. Chap. 249

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the village of Sheboygan are hereby authorised and fully empowered in their official capacity, to borrow any sum of money not exceeding ten thousand dollars, from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said Trustees and any persons or party from whom such money may be obtained, and make out and execute, in the name of the corporation of said village, all necessary writings, notes, bonds or other papers, and make, execute and deliver such securties in amount and kind as may be deemed Corporation may borrow money and issue securities therefor.

expedient by said Trustees, any law on the subject of usury in this State or any other State where such law may be made, to the contrary notwithstanding.

Monies to be expended in improvement of Harbor.

SEC. 2. The money loaned in accordance with the foregoing provisions, shall be expended in the improvement of the harbor at that place.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 12th, 1851.
NELSON DEWEY.

Chap. 250

An Act to amend Chapter seventy of the Revised Statutes.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Probate Court may extend time of payment of debts in certain cases.

SECTION 1. The Probate Court may, on the application of the executor or administrator, from time to time as the circumstances of the estate may require, extend the time for paying debts and legacies, not exceeding six months at a time, nor so that the whole time allowed to the original executor or administrator shall exceed six years.

Repealing clause.

SEC. 2. Section thirty-two of chapter seventy of the Revised Statutes is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 12th, 1851.
NELSON DEWEY.

Chap. 251

An Act to amend Section eight, Chapter five, of the Revised Statutes.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Copies of Laws remaining after distribution to be distributed to County Treasurers.

SECTION 1. The eighth section of chapter five, of the Revised Statutes of Wisconsin, is hereby amended as follows: The copies of the laws remaining after the destribution as provided in the fifth section of this chapter, shall be distributed to the Treasurers of the several counties of this state, by the Secretary of State according to the population of such counties: provided that said secretary shall first deposite two hundred copies of the laws of each session of the Legislature in the State Library.

Treasurers may sell them at cost

SEC. 2 The Treasurers of the several counties shall be authorised to sell said copies of the laws so distributed to them at

cost, and shall pay over the money received on such sales to the State Treasurer.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 12th, 1851.
NELSON DEWEY.

An Act to change the time for making assessments and collections of taxes in the county of Portage

Chap. 252

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Time changed.

Section 1. The time for making the assessments upon property in said county is hereby changed from the time now fixed by the law of this State to the months of February in each year, and the time for the collection of taxes is hereby changed from the time now fixed by law to the month of April in each year. The town board of Supervisors to appoint one Assessor, and the Treasurer of each town in said county shall have the right to levy on property and sell the same by the above mentioned time as is now allowed by law for such purposes.

Duty of Town Supervisors and Treasurers.

Sec. 2. This law to take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 12th, 1851.
NELSON DEWEY.

An Act to pay Benton and Garfield the sum therein named.

Chap. 253

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to Benton and Garfield, the sum of six hundred and seventy-six dollars and twenty-nine cents, for candles and stationery furnished the Legislative Assembly in 1839, to be paid out of any money in the Treasury not otherwise appropriated, which shall be in full for principal and interest of said debt.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY.

Chap. 254 An Act to appropriate to J Kip Anderson the sum of money therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to J. Kip Anderson the sum of twenty-five dollars, out of any money in the Treasury not otherwise appropriated, in full pay and satisfaction for plans and specifications for Government vaults.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th 1851.
NELSON DEWEY.

Chap. 255. An Act to appropriate to Demming Fitch the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Demming Fitch one hundred and thirteen dollars in full for bill of furniture for Treasurer's office to date to be paid out of any money in the Treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 256 An Act to appropriate money to pay the per diem of members and the salaries of officers of the Legislature.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

President of the Senate per diem

SECTION 1. There is hereby appropriated, to be paid out of any money in the Treasury, to the Lieutenant-Governor the sum of two hundred and seventy dollars, for his per diem as President of the Senate, up to and including the seventeenth day of March, A. D. eighteen hundred and fifty-one; to the

Speaker of Assembly per diem

Speaker of the Assembly the sum of ninety-seven dollars and fifty cents, for his services as Speaker, and ninety-seven dollars and fifty cents for his per diem pay as member of the Assem-

Members of Legislature per diem.

bly, as aforesaid; to each member of the Senate and Assembly the sum of ninety-seven dollars and fifty cents for their per diem pay, up to and including the seventeenth day of March, A. D. eighteen hundred and fifty-one.

Chief Clerk of Senate for services.

Sec. 2. There is hereby appropriated to the chief Clerk of the Senate the sum of eleven hundred and five dollars, being balance in full for his services as chief Clerk, and for the services of the assistant Clerks employed by him in enrolling, engrossing and transcribing, during the present session of the Legislature up to and including the seventeenth day of March, A. D. eighteen hundred and fifty one, and also in full payment for preparing the Journals of the Senate, and arranging the proper appendix thereto for publication.

Sergeant-at-arms for services.

Sec. 3. There is hereby appropriated to the Sergeant-at-Arms of the Senate, the sum of five hundred and ninety-seven dollars, being in full payment for his services and those employed by him during the present session of the Legislature.

Chief Clerk of Assembly for services.

Sec. 4. There is hereby appropriated to the chief Clerk of the Assembly the sum of eleven hundred and five dollars, being balance in full for his services as chief Clerk, and for the services of the assistant Clerks employed by him, and for enrolling, engrossing and transcribing during the present session of the Legislature, up to and including the seventeenth day of March, A. D. eighteen hundred and fifty-one, and also in full payment for preparing the Journals of the Assembly, and arranging the proper appendix thereto for publication.

Sergeant-at-arms of Assembly for services.

Sec. 5. There is hereby appropriated to the Sergeant-at-Arms of the Assembly the sum of five hundred and ninety-seven dollars, being in full payment for his services and those employed by him during the present session of the Legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

An Act to amend part first, Title three, Chapter ten, Section twenty-eight of the Revised Statutes. **Chap. 257**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

County Supervisors may vacate towns.

Section 1. That part first, title three, chapter ten, section twenty-eight of the Revised Statutes, be amended so as to confer upon the county board of supervisors the power to vacate towns, and make all necessary orders for the disposition and preservation of the records and papers of any town which may be hereafter vacated by such board.

Vacation to be by a majority.

SEC. 2. No town shall be vacated hereafter, unless a majority of the votes of all the members of the board shall so decide.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President of the Senate, pro tempore.

Approved, March 13th, 1851.
NELSON DEWEY.

Chap. 258 An Act to amend Section twenty-eight of Chapter one hundred and thirty-six title twenty nine, of the Revised Statutes

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Compensation of Jurors—who to pay.

SECTION 1. Each juror sworn in any action in a Justice's Court or before any Sheriff, on any writ of inquiry shall be entitled to fifty cents for each days attendance, to be taxed against the losing party, and when in any action before a Justice of the Peace (except in criminal cases) any of the parties to the action shall demand a jury trial, such party shall before being entitled to the empannelling of a jury pay jury's fees for

When payment to be in advance

half a days' attendance in advance, and so much of said act as contravenes the provisions of this act be and the same is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY.

Chap. 259 An Act to authorise the construction of a dam across the Pecatonica River, in La Fayette County.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Dam—who may erect, &c.

SECTION 1. Samuel George, his associates, successors, heirs and assigns are hereby authorised to erect and maintain a dam across the Pecatonica river, on the north-west quarter of section number one, of town number two, north of range number three, east of the fourth principal meridian, in the county La Fayette, and to make use of the water of said river for hydraulic purposes: Provided, That the construction of said dam shall in no way infringe upon the rights of other persons than herein named.

Proviso.

SEC. 2. The said dam shall not exceed eight feet in height

from the water mark, and shall be so constructed as to admit of the passage of all descending rafts or water crafts, and the said rafts and water crafts shall at any times be entitled to pass through the said dam free of all charges to the owner or owners of said rafts or water crafts. Height of Dam. Rafts to have free way.

Sec. 3. The legislature may at any time alter or amend this act, when it shall be considered proper to provide for the improvement of the Pecatonica river. Reservation.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

An Act to authorise the citizens of the village of Waucoma to build a meeting house on the public square of said village. **Chap. 260**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The citizens of the village of Waucoma in the county of Rock, are hereby authorised to build a meeting house on the public square in the village of Waucoma in the county of Rock; said house shall be built by public subscription, and under the direction of three trustees elected by a majority of the stockholders to said meeting house; and when said [meeting house] shall be completed and ready for use, it shall remain free for any religious denomination, to hold their meetings therein. Meeting house—how built. Free Occupancy

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

An Act to provide for the election of County Treasurers and Clerks of the Board of Supervisors. **Chap. 261**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The legal voters in the several counties of this state in which a county Treasurer or Clerk of the Board of Supervisors, or both, were elected at the general election in November, A. D. eighteen hundred and forty-nine shall at the general election in November, A. D. eighteen hundred and Treasurers and Clerks—when elected.

Term of office. fifty-one elect a county Treasurer and Clerk of the board of supervisors or either as the case may be, whose term of office shall be for one year from and after the first day of January, A. D. one thousand eight hundred and fifty-two: Provided, however, That nothing in this section shall be construed as extending to cases where either of the officers previously named were elected at the general election of eighteen hundred and fifty, and are legally entitled to hold their offices for two years.

Proviso.

Future term of office. Sec. 2. That from and after said election in November A. D. one thousand eight hundred and fifty-one, county Treasurers and Clerks of the Board of Supervisors shall be elected whose term of office shall continue for two years from the first day of January succeeding the time of their election.

Repealing clause. Sec. 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 262 An Act to incorporate the Green Bay, Milwaukee and Chicago Rail Road Company.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Name of Incorporation. Section 1. James H. Rogers, Truman G. Wright, Daniel H. Chandler, John Bullen, Levi Blossom, Thomas B. Stoddard, Thomas Hood, Thomas P. Williams, Samuel Hale, Philo White, William Teall, Phineas M. Johnson, Frederick Hilgen, Moses Kneeland, A. P. Lyman, E. Fox Cook, George Reed, K. K. Jones, Henry S. Beard and David M. Lay, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and assigns, are hereby created a body corporate by the name of the "Green Bay, Milwaukee and Chicago Rail Road Company," and by that name shall be, and are hereby made capable in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements and hereditaments, so far as may be necessary for the purpose of said railroad, and the same to sell, grant, rent, or in any manner dispose of, to contract and to be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a common seal, the same to alter, break or renew at their pleasure; and if either of the persons named in this section, shall die, refuse or neglect to execute the powers

Corporate powers.

hereinafter provided, and when such damages shall have been paid for or tendered, the title of the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said company. Perfection of title.

Sec. 12. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the Judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained, by reason of the taking of the same for the construction and use of said rail road or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, to the said owner or owners; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace or other person competent to administer oaths, faithfully and according to the best of their abilities to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which such owner or owners shall derive from the construction of such rail road, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners, as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said Judge, and shall return the same within thirty days after their appointment, to the Clerk of the circuit court of the county in which they reside and it shall be the duty of the said Clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, then the said Clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: Provided, That either

When Judge of Circuit Court may appoint appraisers.

Appraiser to take oath, &c.

Appraisers to report to Judge through Clerk of Court.

Proviso.

party may appeal to said court within thirty days after said report shall have been filed in the Clerk's office and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such rail road, and judgment of court shall be entered accordingly: Provided also, That it shall not be lawful for the said commissioners, or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their guardian or trustee, if any there be, or in such manner as the court may direct: Provided also, That upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

Appeals to be tried as other issues are tried.

Proviso.

Owners to have notice of valuation.

Proviso.

When company to have immediate use of lands.

Perfection of title.

Sec 13. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same, as fully as if it had been conveyed in fee simple; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: Provided, that the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same, or a less sum, than that reported by the said commissioners.

Proviso.

Who to pay costs.

Sec. 14. The said railroad shall be so constructed, as not

to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such railroad may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passage-way to enable all persons travelling such public road to pass over or under such railroad without inconvenience: Provided, that in cases where said railroad may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good condition as before; and for that purpose the said company shall previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, (as it) was previous to the disturbance and occupancy thereof by said company.

Railroad not to obstruct other roads.

Proviso.

Roads occupied to be made good

SEC. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require: Provided, that said company shall in no case be required to make more than one such passage-way for each farm; and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

Company to make certain passages.

Proviso.

SEC. 16. On the completion of said railroad, or any portion of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Tariff for freight and passage.

SEC. 17. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, that all debts due said company shall be first paid.

Property subject to execution for debt.

SEC. 18. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof.

Rule of evidence

SEC. 19. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or

Penalties for wilful injury or obstruction.

shall remove or damage any part thereof, in such a manner that the engines or cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor, whether such accident shall take place or not, and shall be punished for every such offence by imprisonment in the state prison for a term of not less than one, nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged thereby, and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Company may borrow money and issue securities therefor.

SEC. 20. The said railroad company are hereby authorised and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make and execute and deliver such securities in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this state or any other state where such transaction may be made, to the contrary notwithstanding; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a railroad from Fort Winnebago, in the county of Columbia, by the way of Adams and Reedsburgh, in Sauk county, to some eligible point at or near the mouth of the Saint Croix river, on the Mississippi river, and the contracts and official acts of said company are hereby declared binding in law and equity, upon said corporation, and upon all other parties to such contracts.

Official acts declared binding.

Conditional reservation.

SEC. 21. In case of a violation by the company of any of the provisions of this act, the legislature of the state of Wisconsin may resume all and singular the rights and privileges hereby granted to said company.

Purchase and sale of other lands.

SEC. 22. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to the rail road for the purpose of procuring earth, gravel or other materials for embankments and structures necessary to the construction or repair of said road, or buildings and fixtures connected therewith, and whenever

such lands shall be no longer needed for the purposes aforesaid, the said company are hereby authorised to sell and convey the same.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

An Act to amend Section 9 of Chapter 76 of the Revised Statutes. **Chap. 265**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 9 of Chapter 76 of the Revised Statutes is amended so that the same shall read as follows: No mortgage of personal property hereafter made shall be valid against any other person than the parties thereto, unless possession of the mortgaged property be delivered to and retained by the mortgagees, or unless the mortgages, or a copy thereof, be filed in the office of the Town Clerk where the mortgagor resides, or in case he does not reside in the State, in the town where the property mortgaged may be at the time of executing the same; and such Clerk shall endorse on such instrument or copy, the time of receiving the same. Chattel Mortgages—against what parties valid. Clerk to endorse time of reception

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

An Act to incorporate the Columbia and Sauk county Bridge Company. **Chap. 266**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That James F. Flanders, James Maxwell, Isaac H. Palmer and Chester Matson, and such other persons as may associate with them, be and they are hereby incorporated by the name and style of "The Columbia and Sauk county Bridge Company," and by such name may sue and be sued, plead and be impleaded in any court in this state, may have a common seal, and change the same at pleasure. Incorporation. Corporate powers.

SEC 2. The capital stock of said company shall be ten thousand dollars, and shall be divided into shares of ten dollars each: Provided said company shall have power to increase the Division of capital stock. Proviso.

capital stock to any amount not exceeding twenty thousand dollars.

Commissioners to open books at places named.

SEC. 3. James F. Flanders, James Maxwell and Isaac I Palmer and Chester Matson, are hereby appointed commissioners to receive subscriptions to the capital stock, and shall open a book of subscription at the house or office of James F. Flanders, in the town of Adams in Sauk county, on the second Monday in May, A. D., 1851, and another at the house of Isaac H. Palmer, in the town of Lodi, in the county of Columbia, on the third Monday in May, A. D., 1851, which book shall be kept open for three days.

Location of Bridge.

SEC. 4. Said company shall have power to build and construct a bridge across the Wisconsin river, between the county of Columbia and the county of Sauk, at a place known as Mason's Ferry, on the south-east quarter of section number two in town number ten north of range number seven east.

Width of bridge

SEC. 5. The said bridge shall not be less than fourteen feet wide, and shall be constructed with a double track for wagons and shall have a good substantial railing on both sides. It shall also be constructed with a draw over the channel of the river

Width of draw.

not less than fifty feet in width, for the free passage of boats vessels, and rafts of all kinds navigating said river, and the said corporation shall provide adequate attendance to said draw so as to permit boats, vessels and rafts to pass through the same

Passage of draw to be free, &c.

at all times, free of charge and without unnecessary delay Said bridge shall be commenced within one year, and shall be completed within four years from the passage of this act.

Rates of Toll.

SEC. 6. The said company shall have power for the term of thirty years after the completion of said bridge, to demand and collect toll for crossing the same as follows: For any vehicle drawn by two horses or oxen twenty-five cents; for any vehicle drawn by one horse fifteen cents; and for each additional horse or ox five cents; for foot passengers three cents; for a single horse five cents; for all animals, (hogs and sheep excepted,) in droves of less than fifty, two cents each; and for all over fifty, one and a half cents each; for hogs and sheep one cent each.

List to be posted up.

SEC. 7. Said company shall keep posted up in some conspicuous place on said bridge, a list of rates of toll allowed by this act.

Power to make By-Laws.

SEC. 8. Said company shall have power to make all by-laws necessary for the regulation of their corporate affairs not repugnant to the laws of the United States or of this State.

Sec. 9. This act may be amended, altered or repealed by ıy future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

An Act to incorporate the Lake and Mississippi Steamboat Company.

Chap. 267

The People of the State of Wisconsin, represented in Senate ıd Assembly, do enact as follows:

Section 1. That John Bannister, and his associates, own- Incorporation.
s of the steamers Peytona and Oshkosh, are hereby declared ı possess corporate powers under the name and style of the ake and Mississippi Steamboat Company.

Sec. 2. The capital stock of said company shall be twenty- Capital Stock—how increased.
re thousand dollars, divided into shares of two hundred dollars ıch, subject to increase at the pleasure of said company.

Sec. 3. The affairs of said company shall be managed by Directors to be elected at annual meeting.
ve directors, to be elected by the stockholders from among ıeir number at their annual meeting, on the first Monday of ecember in each year, and to hold their offices for one year ıd until others are elected in their places. The directors shall ppoint one of their number President, and shall keep a book ı which minutes shall be entered of all their proceedings and pen to the inspection of any of the stockholders. The direc- Directors may appoint certain officers.
ırs may appoint a Treasurer, Secretary and such other officers ı may be necessary in the transaction of the business of the ompany and make such by-laws, rules and regulations for the overnment of said company as may be deemed expedient and roper: Provided, That such by-laws, rules and regulations are Proviso.
ot inconsistent with the laws of this State.

Sec. 4. The stock which any person may hold in said com- Stockholders personally liable.
any shall be deemed personal property and liable to attach- ıent and execution in such manner as is or may be provided y law, each stockholder shall be personally liable for all debts, ıes and demands of said company and on a failure upon any xecution against said company to make the full amount ıe thereon, an alias may be issued against the individual ockholders and levied upon their private property, liable as foresaid.

Company to file a statement with Secretary of State.
Sec. 5. The company shall file a statement annually, on r before the first day of Februaay, with the Secretary of State, howing the amount of capital of said company, the names of he stockholders, and number of shares of stock owned by each,

and the liability of the stockholders whose names are so returned and filed, shall not cease until the expiration of one year from the date of such filing.

Election of Directors.

SEC. 6. The first directors shall be elected at a meeting to be held at Oshkosh, in the county of Winnebago, on the first Monday of May next, to hold their offices until the next annual election.

Declaration and reservation.

SEC. 7. This act is declared to be a public act, and as such shall be admitted in evidence in all the courts of this state, and shall be subject to amendment, alteration or repeal by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 13th, 1851.
NELSON DEWEY.

Chap. 268 An Act to authorise the erection of a free bridge across the Milwaukee River at Humboldt in Milwaukee County

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Who may erect bridge.

SECTION 1. That E. B. Woolcott, Lelotees A. Cotten and —— Brecker, of the county of Milwaukee and their associates are hereby authorised to erect and maintain a free bridge across the Milwaukee river on the dam across said river, at or near Humboldt in Milwaukee county.

Bridge not to obstruct passage of crafts.

SEC. 2. Said bridge shall be so constructed that all such water crafts as have usually navigated said river can pass under it.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 13th, 1851.
NELSON DEWEY.

Chap. 269 An Act to authorise the Aldermen of the Third Ward of the city of Milwaukee to pave certain streets in said Ward.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Aldermen to give notice to owners to do work.

SECTION 1. The Aldermen of the third ward shall have power and they are hereby authorised to assess special taxes on the city lots and lands lying on or bounded by east Water

hereinafter provided; and when such damages shall have been paid for or tendered, the title of the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said company. Perfection of title.

Sec. 12. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the Judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained, by reason of the taking of the same for the construction and use of said rail road or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, to the said owner or owners; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace or other person competent to administer oaths, faithfully and according to the best of their abilities to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which such owner or owners shall derive from the construction of such rail road, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners, as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said Judge, and shall return the same within thirty days after their appointment, to the Clerk of the circuit court of the county in which they reside and it shall be the duty of the said Clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, then the said Clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: Provided, That either

When Judge of Circuit Court may appoint appraisers.

Appraiser to take oath, &c.

Appraisers to report to Judge through Clerk of Court.

Proviso.

party may appeal to said court within thirty days after said report shall have been filed in the Clerk's office and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such rail road, and judgment of court shall be entered accordingly: Provided also, That it shall not be lawful for the said commissioners, or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their guardian or trustee, if any there be, or in such manner as the court may direct: Provided also, That upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

Appeals to be tried as other issues are tried.

Proviso.

Owners to have notice of valuation.

Proviso.

When company to have immediate use of lands.

Perfection of title.

SEC 13. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same, as fully as if it had been conveyed in fee simple; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: Provided, that the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same, or a less sum, than that reported by the said commissioners.

Proviso.

Who to pay costs.

SEC. 14. The said railroad shall be so constructed, as not

to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such railroad may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passage-way to enable all persons travelling such public road to pass over or under such railroad without inconvenience: Provided, that in cases where said railroad may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good condition as before; and for that purpose the said company shall previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, (as it) was previous to the disturbance and occupancy thereof by said company.

Railroad not to obstruct other roads.

Proviso.

Roads occupied to be made good

Sec. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require: Provided, that said company shall in no case be required to make more than one such passage-way for each farm; and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

Company to make certain passages.

Proviso.

Sec. 16. On the completion of said railroad, or any portion of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Tariff for freight and passage.

Sec. 17. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, that all debts due said company shall be first paid.

Property subject to execution for debt.

Sec. 18. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof.

Rule of evidence

Sec. 19. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or

Penalties for wilful injury or obstruction.

shall remove or damage any part thereof, in such a manner that the engines or cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor, whether such accident shall take place or not, and shall be punished for every such offence by imprisonment in the state prison for a term of not less than one, nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged thereby, and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Company may borrow money and issue securities therefor.

SEC. 20. The said railroad company are hereby authorised and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make and execute and deliver such securities in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this state or any other state where such transaction may be made, to the contrary notwithstanding; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a railroad from Fort Winnebago, in the county of Columbia, by the way of Adams and Reedsburgh, in Sauk county, to some eligible point at or near the mouth of the Saint Croix river, on the Mississippi river, and the contracts and official acts of said company are hereby declared binding in law and equity, upon said corporation, and upon all other parties to such contracts.

Official acts declared binding.

Conditional reservation.

SEC. 21. In case of a violation by the company of any of the provisions of this act, the legislature of the state of Wisconsin may resume all and singular the rights and privileges hereby granted to said company.

Purchase and sale of other lands.

SEC. 22. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to the rail road for the purpose of procuring earth, gravel or other materials for embankments and structures necessary to the construction or repair of said road, or buildings and fixtures connected therewith, and whenever

such lands shall be no longer needed for the purposes aforesaid, the said company are hereby authorised to sell and convey the same.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

An Act to amend Section 9 of Chapter 76 of the Revised Statutes. **Chap. 265**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 9 of Chapter 76 of the Revised Statutes is amended so that the same shall read as follows: No mortgage of personal property hereafter made shall be valid against any other person than the parties thereto, unless possession of the mortgaged property be delivered to and retained by the mortgagees, or unless the mortgages, or a copy thereof, be filed in the office of the Town Clerk where the mortgagor resides, or in case he does not reside in the State, in the town where the property mortgaged may be at the time of executing the same; and such Clerk shall endorse on such instrument or copy, the time of receiving the same.

Chattel Mortgages—against what parties valid.

Clerk to endorse time of reception.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

An Act to incorporate the Columbia and Sauk county Bridge Company. **Chap. 266**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That James F. Flanders, James Maxwell, Isaac H. Palmer and Chester Matson, and such other persons as may associate with them, be and they are hereby incorporated by the name and style of "The Columbia and Sauk county Bridge Company," and by such name may sue and be sued, plead and be impleaded in any court in this state, may have a common seal, and change the same at pleasure.

Incorporation.

Corporate powers.

SEC 2. The capital stock of said company shall be ten thousand dollars, and shall be divided into shares of ten dollars each: Provided said company shall have power to increase the

Division of capital stock.

Proviso.

capital stock to any amount not exceeding twenty thousand dollars.

Commissioners to open books at places named.

SEC. 3. James F. Flanders, James Maxwell and Isaac H. Palmer and Chester Matson, are hereby appointed commissioners to receive subscriptions to the capital stock, and shall open a book of subscription at the house or office of James F. Flanders, in the town of Adams in Sauk county, on the second Monday in May, A. D., 1851, and another at the house of Isaac H. Palmer, in the town of Lodi, in the county of Columbia, on the third Monday in May, A. D., 1851, which books shall be kept open for three days.

Location of Bridge.

SEC. 4. Said company shall have power to build and construct a bridge across the Wisconsin river, between the county of Columbia and the county of Sauk, at a place known as Matson's Ferry, on the south-east quarter of section number two in town number ten north of range number seven east.

Width of bridge

SEC. 5. The said bridge shall not be less than fourteen feet wide, and shall be constructed with a double track for wagons and shall have a good substantial railing on both sides. It shall also be constructed with a draw over the channel of the river

Width of draw.

not less than fifty feet in width, for the free passage of boats vessels, and rafts of all kinds navigating said river, and the said corporation shall provide adequate attendance to said draw so as to permit boats, vessels and rafts to pass through the same

Passage of draw to be free, &c.

at all times, free of charge and without unnecessary delay Said bridge shall be commenced within one year, and shall be completed within four years from the passage of this act.

Rates of Toll.

SEC. 6. The said company shall have power for the term of thirty years after the completion of said bridge, to demand and collect toll for crossing the same as follows: For any vehicle drawn by two horses or oxen twenty-five cents; for any vehicle drawn by one horse fifteen cents; and for each additional horse or ox five cents; for foot passengers three cents; for single horse five cents; for all animals, (hogs and sheep excepted,) in droves of less than fifty, two cents each; and for over fifty, one and a half cents each; for hogs and sheep one cent each.

List to be posted up.

SEC. 7. Said company shall keep posted up in some conspicuous place on said bridge, a list of rates of toll allowed by this act.

Power to make By-Laws.

SEC. 8. Said company shall have power to make all by-laws necessary for the regulation of their corporate affairs not repugnant to the laws of the United States or of this State.

Sec. 9. This act may be amended, altered or repealed by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

An Act to incorporate the Lake and Mississippi Steamboat Company.

Chap. 267

The People of the State of Wisconsin, represented in Senate nd Assembly, do enact as follows:

Section 1. That John Bannister, and his associates, own- rs of the steamers Peytona and Oshkosh, are hereby declared) possess corporate powers under the name and style of the ake and Mississippi Steamboat Company. Incorporation.

Sec. 2. The capital stock of said company shall be twenty- ve thousand dollars, divided into shares of two hundred dollars ich, subject to increase at the pleasure of said company. Capital Stock—how increased.

Sec. 3. The affairs of said company shall be managed by re directors, to be elected by the stockholders from among eir number at their annual meeting, on the first Monday of ecember in each year, and to hold their offices for one year id until others are elected in their places. The directors shall point one of their number President, and shall keep a book which minutes shall be entered of all their proceedings and en to the inspection of any of the stockholders. The direc- rs may appoint a Treasurer, Secretary and such other officers may be necessary in the transaction of the business of the mpany and make such by-laws, rules and regulations for the vernment of said company as may be deemed expedient and oper: Provided, That such by-laws, rules and regulations are t inconsistent with the laws of this State. Directors to be elected at annual meeting. Directors may appoint certain officers. Proviso.

Sec. 4. The stock which any person may hold in said com- ny shall be deemed personal property and liable to attach- nt and execution in such manner as is or may be provided law, each stockholder shall be personally liable for all debts, es and demands of said company and on a failure upon any ecution against said company to make the full amount e thereon, an alias may be issued against the individual ckholders and levied upon their private property, liable as resaid. Stockholders personally liable.

Sec. 5. The company shall file a statement annually, on before the first day of Februaay, with the Secretary of State, rwing the amount of capital of said company, the names of stockholders, and number of shares of stock owned by each, Company to file a statement with Secretary of State.

and the liability of the stockholders whose names are so returned and filed, shall not cease until the expiration of one year from the date of such filing.

Election of directors.

SEC. 6. The first directors shall be elected at a meeting to be held at Oshkosh, in the county of Winnebago, on the first Monday of May next, to hold their offices until the next annual election.

Declaration and reservation.

SEC. 7. This act is declared to be a public act, and as such shall be admitted in evidence in all the courts of this state, and shall be subject to amendment, alteration or repeal by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 268 An Act to authorise the erection of a free bridge across the Milwaukee River at Humboldt in Milwaukee County

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Who may erect bridge.

SECTION 1. That E. B. Woolcott, Lelotees A. Cotten and —— Brecker, of the county of Milwaukee and their associates are hereby authorised to erect and maintain a free bridge across the Milwaukee river on the dam across said river, at or near Humboldt in Milwaukee county.

Bridge not to obstruct passage of crafts.

SEC. 2. Said bridge shall be so constructed that all such water crafts as have usually navigated said river can pass under it.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 269 An Act to authorise the Aldermen of the Third Ward of the city of Milwaukee to pave certain streets in said Ward.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Aldermen to give notice to owners to do work.

SECTION 1. The Aldermen of the third ward shall have power and they are hereby authorised to assess special taxes on the city lots and lands lying on or bounded by east Water

street in said ward, and also the east and west streets from the river to Main Street in said ward for the purpose of paving said streets opposite said lots and lands. They shall give notice to the owners or occupants of such lots and lands if to be found, but if not found, by advertisement for twenty days in one or more daily newspapers published in said city, requiring them to do the work therein mentioned within a reasonable time therein specified, in the street opposite their said lots or lands, and if the work should not be done within the time specified and in pursuance of such notice, the said Aldermen may contract for the doing thereof; and when the said work shall be completed according to the terms of such contract, and the expenses thereof ascertained, the said Aldermen shall give to the contractor a certificate under their hands, stating therein the amount due such person for the work, whatever it may be, and the lot and piece of land upon which the same is chargeable, with interest at the rate of twelve per cent. per annum until paid, which said certificate may be transferred by endorsement thereon: and if the amount of such certificate with the accrued interest thereon shall not be paid within ninety days from the date of said certificate, then it shall be lawful for the owner or holder of such certificate to present their petition to the circuit court of the county of Milwaukee setting forth the nature of the labor performed, and the work done, with a copy of such certificate and a description of the lot or piece of land described in such certificate, and the notice given as aforesaid, with an affidavit of the truth of the fact contained in said petition: whereupon the said court or the Judge thereof in vacation shall order judgment to be recorded against the said owners of such lots if known, otherwise against the said several lots by description, for the said amount and costs and interest at the rate of twelve per cent. per annum until paid, in the name of the city of Milwaukee for the use of the person named in said petition. Said judgments shall be liens on said lots, in preference to any other liens of previous or subsequent dates, and shall be entered by the Clerk without the aid of an attorney or without a judgment record, and execution may be issued thereon, and said lots sold as other real estate upon examination; and if such notice shall have been given to do the work as herein directed, no informality or error in any of the proceedings or assessments shall vitiate or make void said tax.

When Aldermen may contract for work.

Certificates to be issued in payment.

When holder of certificate may petition Circuit Court.

When Court to order judgment.

Liens thus created to have preference.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851. NELSON DEWEY.

Chap. 270 An Act in relation to State Roads.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Notice of intended application to be given.

SECTION 1. That no State road shall be granted by the legislature, unless it shall appear that notice has been given of the intention to apply for the same, by the publication of a notice to that effect, four weeks successively, in some newspaper in such county, through which it is proposed to lay such road:

Proviso.

Provided, that if there should be no newspaper published in any county, it shall be lawful to give such notice by printing the same, at three or more of the public places, near the line of said proposed road, for the term of four weeks.

SEC. 2. This act shall take effect from and after the present session of the legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY.

Chap. 271 An Act to authorise the laying out of a State Road from Reedsburgh in Sauk county to Stevens' Point in Portage county.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out a road.

SECTION 1. That Chauncy B. Strong, Platt Fish, and William Griffin are hereby appointed Commissioners to lay out and establish a State road, on the most direct and practicable

Route.

route, from Reedsburg in Sauk county to Stevens' Point in

Proviso

Portage county: Provided, that no money shall be paid out of the State treasury for the laying out of said road.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President of the Senate, pro tempore.

Approved, March 13th, 1851.
NELSON DEWEY.

Chap. 272 An Act to lay out and establish a State Road therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out road.

SECTION 1. That Andrew Dunn, Charles H. Moore and Skyler Gates are hereby appointed Commissioners to lay out and establish a State road from Wyocena in Columbia county, across the Portage canal, on the east side of the Wisconsin

river, to a point on the Wisconsin river called the Elbow of the Dells, thence by way of the Lemonware Valley to Prairie La Crosse on the Mississippi river in La Crosse county. Route.

Sec. 2. Jacob Spaulding, Skyler Gates, and C. B. Strong are hereby appointed Commissioners to lay out and establish a state road from Black River Falls to the point on the Wisconsin river in Adams county, where the road mentioned in the first section of this act crosses the same. Commissioners appointed to lay out Road. Route.

Sec. 3. If any of the Commissioners appointed by this act shall by any cause be unable to perform the duties hereby required, then and in such case they are hereby authorised to appoint a substitute: Provided that no part of the expense of laying out said roads shall be paid out of the State treasury. Commissioners to appoint substitutes. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate
Approved March 13th, 1851.
NELSON DEWEY.

An Act to provide for laying out a State Road from Fort Atkinson to Palmyra in Jefferson county. **Chap. 273**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Milo Jones, D. B. Peck and Zebiror Wilson be and they are hereby appointed Commissioners to lay out and establish a state road from Fort Atkinson in Jefferson county to Palmyra in said county. Commissioners appointed. Route.

Sec. 2. No money shall be paid out of the state treasury for any service required by this act. State not to pay expense.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

An Act to vacate a portion of the Plat of the village of Fond du Lac. **Chap. 274**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That blocks numbered twenty-two, twenty-three, thirty-one, thirty-two, thirty-three, and fractional block thirty-four, together with all lots, streets, alleys and squares included in said blocks, in the Plat of the village of Fond du Declared vacated.

Lac in Fond du Lac county, are hereby declared vacated, and the owners thereof may possess all the rights and privileges that they did, or would have possessed in relation thereto, had not the same been laid out into village lots.

Sec. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 275 An Act to vacate a part of the Town Plat of the village of Westfield in Sauk county.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Declared vacated. Section 1. All that part of the town plat of the village of Westfield in the county of Sauk, lying north of a line sixty-three rods south of the section line between sections one and twelve in township nine, north of range six east, and parallel with said line, except the east half of block fifty-five and blocks fifty-six and fifty-seven, is hereby vacated.

Sec. 2. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13, 1851. NELSON DEWEY.

An Act to alter the boundaries of the town of Calumet in Fond du Lac county

Chap. 276 *The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

Boundaries of Calumet. Section 1. The south half of town seventeen, range eighteen, the south half of town seventeen, range nineteen, the north half of town sixteen, range eighteen, and the north half of town sixteen, range nineteen, in Fond du Lac county, shall constitute the town of Calumet, and elections in said town shall be held at the School House in school district number two of said town.

Boundaries of Forest. Sec. 2. Town fifteen, range nineteen, and the south half of town sixteen, range nineteen, shall remain and constitute the town of Forest.

Boundaries of Taychedah. Sec. 3. The south half of town sixteen and sections one, two, three, four, five and six of town fifteen, range eighteen, shall constitute the town of Taychedah.

Boundaries of Empire.

SEC. 4. All town fifteen, range eighteen, except sections one, two, three, four, five and six, shall constitute the town of Empire, and the first election of said town shall be held at the School House near Micklejohn's in said town.

Act of Supervisors repealed.

SEC. 5. An act of the supervisors of Fond du Lac county dividing the towns of Calumet, Taychedah, and Forest, and organizing the towns of Fountain and Empire is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY.

An Act to appropriate to Albert G Lull a certain sum of money. **Chap. 277.**

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to Albert G. Lull twelve dollars and eleven cents in full for maintaining Daniel G. Smith a state prisoner confined in Winnebago county jail, to be paid out of any money in the treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th 1851.
NELSON DEWEY.

An Act to appropriate to Fratney & Hertzberg fifty dollars. **Chap. 278**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Fratney & Hertzberg, out of any money in the treasury not otherwise appropriated, fifty dollars in full payment for five hundred copies of the "Volksfreund," containing the Governor's Message in the German language, furnished the legislature at its present session.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 279 An Act appropriating to Egbert Mosely the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Egbert Mosely, Sheriff of Milwaukee county, the sum of eight dollars and fifty four cents in full for services rendered in service of a writ of mandamus on David Merrill, and service of the Governor's pardons of William B. Sloats, James Serismegereen, Joseph Palmer, Patrick Sheahan, John Waters, Edward Keough, John Draur, George Cogswell, and William Müller, to be paid out of any money in the State treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 280 An Act to appropriate to D. Holtzr the sum of money therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be and hereby is appropriated out of any money in the Stato treasury not otherwise appropriated to D. Holtzr the sum of fifty dollars and fifty-eight cents in full for clocks and stationery furnished the State.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 281 An Act to appropriate to Carmen & Ladd the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Carmen & Ladd the sum of fifteen dollars, to be paid out of any money in the treasury not otherwise appropriated, in full pay and satisfaction for one drafting table and fixtures furnished the State Superintendent of Public Instruction in 1850, as per their bills rendered, dated February first, 1851.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851. NELSON DEWEY.

An Act to appropriate to N. W. Dean the sum therein named. **Chap. 282**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to N. W. Dean ...en dollars and sixty-nine cents, in full for eighteen yards ...f cambric, thread and ribbon, for Secretary's office, 1850.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY

An Act to appropriate to La Fayette Kellogg the sum of money therein named. **Chap. 283**

The People of the State of Wisconsin, represented in Senate ...d Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to La Fayette ...llogg the sum of thirty-two dollars, in full pay and satisfaction ... sixteen days' work, writing up Journal of the Assembly of ...hteen hundred and fifty by direction of the Secretary of ...te to be paid out of any money in the treasury not other...e appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY.

Act authorising the Racine and Rock River Plank Road Company to extend a branch of their road to Sugar Creek Prairie. **Chap. 284**

The People of the State of Wisconsin represented in Senate ... Assembly, do enact as follows:

SECTION 1. The Racine and Rock River Plank Road Com...y is hereby authorised to extend a branch of said road from ...village of Elk Horn to Sugar Creek Prairie, in the county ...Walworth, with the same privileges and immunities, and un...the same restrictions as now govern said company in the ...truction of Plank Roads.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

...pproved, March 13th, 1851.
NELSON DEWEY.

Chap. 285 An Act to authorise the construction of Bridges across the Portage Canal

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Locality of bridges. SECTION 1. That the town authorities of Fort Winnebago are hereby authorised to construct bridges across the Portage Canal, at the following localities, viz: at the point where the road leading from Fox river bridge crosses said canal near the N. S. Indian agency house, running in a northerly direction to Portage county seat: also, where Center Avenue crosses said canal; also, where Adams, Main, or Wisconsin street crosses said canal. The last mentioned bridges to be located by the town authorities of Fort Winnebago, on one of the above mentioned streets.

Board of public works to furnish plan. SEC. 2. It shall be necessary before the bridges referred to in the first section of this act are constructed, for the town authorities to procure from the board of public works a plan for the building of said bridges, and the said board are hereby required to furnish the same on application of said town authorities: Provided, that no portion of the fund belonging to the State for the improvement of the Fox and Wisconsin rivers, shall be used for the construction of said bridges.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

Chap. 286 An Act to appropriate a certain sum of money to pay the postage of the present session of the Legislature.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Appropriation for postage. SECTION 1. There is hereby appropriated to Chauncy Abbott, Postmaster at Madison out of any money in the treasury not otherwise appropriated, the sum of two thousand four hundred and forty-one dollars and fifty cents, in full for Legislative postage from the eighth day of January to the fifth day of March, eighteen hundred and fifty-one each day inclusive.

Appropriation for postage. SEC 2. There is hereby appropriated to Chauncy Abbott, Postmaster at Madison, out of any money in the treasury not otherwise appropriated, the further sum of six hundred dollars for postage of the Legislature from the fifth day of March eighteen hundred and fifty-one, to the close of the present session, and for executing postage for the quarter ending the thirty-first March, eighteen hundred and fifty-one: Provided, That no

Proviso.

part of said sum of six hundred dollars shall be drawn from the treasury, until upon account rendered, the Governor shall certify the true amount required for the objects intended to be provided for in the second section of this act, and for the amount so certified by the Governor, the Secretary of State shall draw his warrant on the Treasurer.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY.

An Act to provide for the location and erection of a State prison. Chap. 287

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That on or before the first day of April next, the Governor of this State shall appoint three commissioners, who shall be known as State Prison commissioners. Governor to appoint Commissioners.

Sec. 2. It shall be the duty of said commissioners as soon as may be after their election, and before the tenth day of April next, to cause an advertisement to be published at least four weeks in the newspapers printed at Madison, of the time and place of the first meeting of said commissioners, and that they will then and there decide upon all sealed communications, specifying the advantages of certain localities, and addressed to them by mail or otherwise: Provided, That [if] the said commissioners or a majority of them be not satisfied as to the best location proposed, they may examine personally the locations proposed, not to exceed those which are included within the limits of five counties of this State. Commissioners to advertise for sealed communications. Proviso.

Sec. 3. In selecting the location, the said commissioners shall have in view the facility of access to said prison, the means of procuring material for the construction, and the industrial pursuits to be carried on within the same. Advantages of location.

Sec. 4. The said commissioners are hereby empowered to purchase or accept as a donation on part of the State of Wisconsin, and receive all sufficient deeds and titles therefor; such quantity of land not to exceed in the whole twenty acres, as may be deemed by them necessary, to erect thereon a temporary building, by contract or otherwise, sufficient to accommodate all the present State prisoners. Commissioners authorized to procure land & erect building.

Sec. 5. Whenever said building shall be erected, the said commissioners shall report the same to the Governor of the State, whose duty shall be to immediately order the sheriffs of When Governor to order sheriffs to transfer prisoners.

the several counties of the State, to deliver all the State prisoners in the several county jails into the custody of said commissioners.

Appointment of Superintendent of Prison.

SEC. 6. Said commissioners shall elect one of their number acting commissioner, who for the time being, shall be the superintendent of the State prison, and shall have full and complete charge of all said convicts, subject to the supervision and control of a majority of said commissioners.

Commissioners to procure plans

SEC. 7. It shall be the duty of said commissioners to procure plans for a prison, and to adopt one of convenient structure and form to accommodate two hundred prisoners with separate cells, to be erected in such manner that additions thereto may be conveniently made: Provided, That the plan of building adopted by said commissioners, shall be first approved by the Governor of the State.

Proviso.

Manner of proceeding.

SEC. 8. It shall be the duty of said commissioners to proceed in the construction of said prison on the plan adopted as provided in section five, as rapidly as may be by the labor of the convicts, and those employed as overseers of the same.

Duty of sheriffs

SEC. 9. It shall be the duty of the Sheriffs of the several counties of the State, on the order of the Governor, to deliver the State prisoners in their custody to the custody of said commissioners at the said temporary State prison.

Majority to govern.

SEC. 10. A majority of said board of commissioners shall have power to do and perform any of the duties herein mentioned: Provided, All of said commissioners shall have had due and reasonable notice of the meeting at which any such action is had.

Proviso.

What officers may be employed.

SEC. 11. Said commissioners shall have power to employ such Clerks, assistants and helpers, and guards as shall be necessary to the discharge of their duties, and the safe keeping of the convicts in their charge, and all such persons shall have full power to use such force as may be necessary to maintain order in and about said prison, and to securely keep said prisoners.

Sum appropriated.

SEC. 12. The sum of ten thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, which sum shall be paid to the said commissioners on monthly estimates of moneys to be expended during the month.

Commissioners to enter into bonds

SEC. 13. Each of the said commissioners before entering upon the duties of their office, shall enter into bonds to the State Treasurer, with one or more securities to be approved by the said Treasurer, conditional for the faithful discharge of their duties respectively and they may choose a Treasurer, who shall also enter into like bonds to be approved as aforesaid.

SEC. 14. The commissioners elected under the provisions

of this act, shall receive for each day actually employed in discharge of their duties three dollars, and six cents per mile for each mile, necessarily travelled in the discharge of the same: Provided, There shall not be an amount exceeding four hundred dollars expended in the selection of the site for said State prison. Compensation of Commissioners. Proviso.

Sec. 15. The said commissioners shall make an annual report, verified by affidavit to the Governor, on or before the first day of January in each year, containing a full statement of the expenditures made by them, and an estimate of the amount of money necessary to continue the erection of said State prison as contemplated in the plan adopted by them, which report shall by the Governor be laid before the next legislature. Commissioners to make an annual statement.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 14th, 1851.
NELSON DEWEY.

An Act relating to the duties of Auctioneers.

Chap. 288

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That there shall be paid for the use of the county upon all sales by auction of goods, wares or merchandise, two per cent. of the moneys accruing from such sales, to be paid by the auctioneer or person making such sales, out of said moneys, to the Treasurer of the county in which such sales are made: Provided, that nothing in this act contained shall extend to any sale by auction of goods, wares and merchandise, made by virtue of any rule, order, decree or judgment of any court, or made by virtue of any law respecting the collection of any tax or duty, either of this State or of the United States, or to any sale by auction of property belonging either to this State or to the United States, or made in consequence of any general assignment of property or effects for the benefit of creditors, or made by or on behalf of any executor or administrator: Provided further, that household furniture, having been used as such, shall not be made liable to the above tax, and: Provided further, that merchants who reside and trade in any county, city, or village in this State, and who have paid the taxes levied by law upon their stocks in trade, and who may desire to close up their business by disposing of their goods, wares and merchandise by auction, shall be exempt from paying the above tax. Auctioneers to pay per centage to County treasurer. Proviso.

Sec. 2. No person shall exercise the business of an auc-

Auctioneers to have license from Clerk of Supervisors

tioneer by selling any goods, wares or merchandise at any sale at which the highest bidder is deemed to be the purchaser, unless such person shall have a license therefor from the clerk of the board of supervisors of the county in which he intends to execute said business, signed by the clerk of said board of supervisors, on penalty of forfeiting to the treasurer of the county, for the use of the county, for every such sale the sum of fifty dollars, together with the duties payable by this act upon the goods, wares or merchandise so sold without license: Provided, that nothing herein contained shall be construed to require a license for the sale at auction of any goods, chattels or other things which by this act are not made liable to duty.

Proviso.

Clerk may grant license

SEC. 3. The clerk of the board of supervisors of the several counties may grant license to exercise the business of an auctioneer of goods, wares or merchandise within their respective counties, to any inhabitant of this State who shall apply for the same: Provided, that the person so applying shall first give bond with surety in the sum of five hundred dollars, to be approved of by a Judge of the circuit or probate court in which he resides, payable to the treasurer of the county, that the person applying for such license shall duly pay the duties imposed by this act to the treasurer of the county, on or before the first Monday of October, January, April, and July in each year, and shall in all other respects comply with the requirements of this act, and said clerk shall be entitled to receive the sum of one dollar for every such license signed by him to be paid by the person who files his bond as required by this act with the clerk of said board of supervisors.

Proviso.

Applicant to give bond.

When persons licensed to make statement.

SEC. 4. Every person licensed as aforesaid shall render on oath to the clerk of the board of supervisors of said county on the first Monday of October, January, April, and July in each year, a true and particular account in writing of all moneys for which any goods, wares or merchandise, liable to duty by this act, have been sold by him at auction.

Clerks to render account to Board annually

SEC. 5. Each clerk of the different boards of supervisors who shall have received any reports on sales at auction, agreeably to the provisions of this act, shall annually on or before the meeting of the board of supervisors at their annual meeting render an account thereof to said board, containing the number of licenses by him granted, the amount of duties reported to him to have been paid the county treasurer, from whom paid with the total amount of sales made by auction in said county.

Licenses to be valid one year.

SEC. 6. No license granted by virtue of this act shall be of any validity for any longer term than one year from the date thereof.

SEC. 7. In all cases where the auctioneers or owner of the

property sold by virtue of this act, or any person employed by them or either of them shall become the purchaser, such sale shall be subject to the same duties as if any other person had become the purchaser. Purchasers subject to duties in all cases.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 14, 1851.
NELSON DEWEY.

[NOTE.—This act was published March 21st, 1851.
WILLIAM A. BARSTOW,
Secretary of State.

An Act to authorise the draining or lowering of North Lake in the Town of Merton, county of Waukesha **Chap. 289**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Robert Mason, David Mason, Allen Dawson, Thomas Dawson, Christian Hire, and John Bellweed, their associates, successors, [and] assigns are hereby authorised to excavate the bottom of the outlet of North Lake, situated in the town of Merton, county of Waukesha, on part of sections sixteen, seventeen, twenty and twenty-first, to a sufficient depth, and of a width not exceeding thirty-five feet, to lower the water of said lake, not exceeding thirty inches: Provided, They do no damage to any mill privilege upon said stream. Who may lower Lake. Proviso.

SEC. 2. Any person who may consider that he has sustained any damage in consequence of said excavation being done, may apply to any Justice of the Peace in said county, who shall summon a jury in the same manner, that they are now summoned to assess damages for the laying out of public highways; and said jury shall be competent to assess any damages, such aggrieved person may sustain; and before proceeding to do so shall be sworn to faithfully and honestly discharge their duty. They shall also hear all evidence which either party offer in relation to the amount of damages sustained. When Justice of Peace to summon Jury to assess damages.

SEC. 3. Should damages be assessed in favor of any person, as provided in the preceding section, said Justice shall make an entry of the same upon his docket and if not paid with cost within sixty days, he shall issue an execution against the goods and chattels of the said Robert Mason, David Mason, Allen Dawson, Thomas Dawson, Christian Hire and John P. Bellweed, their associates, successors, and assigns, which shall have the same force that it would have had, if a judgment had been rendered against them by said Justice. When execution for damages to issue against person named.

Condition of grant.

SEC. 4. If said excavation be not commenced within two years, and completed within five years, then all privileges [granted] by this act shall cease and be void.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13, 1851.
NELSON DEWEY.

Chap. 290 An Act to repeal "An Act authorising the construction of a Bridge across the south branch of the outlet of Lake Winnebago," approved February 5, 1850

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. That "An Act authorising the construction of a bridge across the south branch of the outlet of Lake Winnebago, granting authority to Harrison Reed, James D. Doty, Curtis Reed, and their associates, to build and maintain a bridge across the south branch of the outlet of Lake Winnebago," approved February 5th, 1850, be and the same is hereby repealed: Provided, This act shall not take effect until a bridge shall be built according to the conditions of a bridge chartered to Gorham P. Vining and others, approved February 8th, 1850, across the south channel, leading to Walnut street, or the street passing southwardly by D. D. Dodge's tavern, in the village of Winnebago Rapids; and in case of a failure so to construct and forever maintain, according to the terms of said charter of said bridge, the persons named in the act repealed by this act, may resume all rights and privileges granted to them by said act; and all persons who have erected a bridge upon the act repealed by this act, are hereby required to remove from said stream all materials and obstructions put in said stream in the erecting, or subsequently for sustaining said bridge, as soon as said bridge below the dam shall be made safe for crossing loaded teams, or the same may be removed as a nuisance by any one else, for the expense of which removal, said proprietors and builders shall be liable.

Proviso.

When certain persons may resume rights.

Bridge owners to pay expense of removal.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851. NELSON DEWEY.

An Act to pay to Wm. Doughty the principal and interest due in five bonds issued by the Territory of Wisconsin **Chap. 291**

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to William Doughty, of Georgetown, D. C., out of any money in the treasury not otherwise appropriated, payable on the first day of June next, the following sums, to wit:

Payment for Bonds. For five bonds of one thousand dollars each, due on the 20th of June, A. D. 1851. Five thousand dollars, also, for eleven months' interest, sixty dollars and sixty cents.

Payment for Coupons. Also: for twenty coupons, for thirty-five dollars each, five of which are due each Dec. 20th 1849, June 20th 1850, Dec. 20th 1850, and June 20th 1851, seven hundred dollars.

Payment for Interest. Also: for interest due on said coupons, thirty-six dollars and seventy-four cents.

Payment for Exchange. Also: for exchange on Bank of America, New York, where such bonds and coupons are payable, sixty-nine dollars and ninety-six cents.

Treasurer to cancel bonds &c Sec. 2. It shall be the duty of the treasurer on the payment of this appropriation, to take up and cancel said bonds and coupons.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act providing for the appointment of Commissioners to review and survey a Territorial Road therein named. **Chap. 292**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners appointed to review and survey road. Section 1. Jameson Hamilton, of the county of La Fayette, William Bateman, of the county of Iowa, and Benjamin Benson, of the county of Dane, are hereby appointed commissioners, and vested with powers to review and survey an old Territorial road commencing at the village of Shullsburgh in said county of La Fayette and running to the Blue Mounds in the county of Dane aforesaid, via Avon, Darlington, Cox's Mills on Otter Creek, Fayette, Parkinson's Mills in Yellow Stone Creek, R. G. Scott's store, William Bateman's farm, and thence to the Blue Mounds, there to intersect the road leading from Madison to Mineral Point, said road being the same that was surveyed by one Hugh R. Hunter. Route.

Variations may be made.

SEC. 2. Said Commissioners are hereby also authorised to make such trifling variations in said road from the original survey, as may be by them deemed necessary.

State not to pay expense.

SEC. 3. No compensation for services rendered under the provisions of this act, shall ever be claimed of or paid by this State.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15, 1851.
NELSON DEWEY.

Chap. 293 An Act to appropriate to William F. Cramer the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated.

SECTION 1. There is hereby appropriated to William E. Cramer, out of any money in the treasury not otherwise appropriated, the sum of thirty-two dollars and twenty-five cents in full, for publishing in the Wisconsin proposals for doing the public printing for the years 1849 and 1850, for publishing notice of sale of canal property, and the Governor's proclamation for the detection of A. Briggs, a murderer.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15, 1851.
NELSON DEWEY.

Chap. 294 An Act appropriating to E. B. Quiner the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated.

SECTION 1. There is hereby appropriated to E. B. Quiner out of any money in the treasury not otherwise appropriated the sum of three dollars and seventy-five cents in full, for publishing in the Democratic State Register a notice in relation to the unpaid mortgages in canal lands, by order of the Secretary of State.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED.
President pro tempore of the Senate.

Approved March 15, 1851.
NELSON DEWEY.

An Act to provide for holding the terms of the Supreme and Circuit Courts as herein mentioned. **Chap. 295**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the Supreme Court of the State of Wisconsin shall be holden on the third Tuesday of June and on the second Tuesday of December of each year, to be called the June and December terms of the Supreme Court. Terms of the Supreme Court—when held.

SEC. 2. The Circuit Courts, in the following named counties, shall be holden at the times hereinafter mentioned, to wit: Circuit Courts—when held.

In the county of Waukesha, on the third Monday of March, and the fourth Monday of November of each year. Waukesha.

In the county of Kenosha, on the first Monday of May, and the second Monday of November of each year. Kenosha.

In the county of Walworth, on the fourth Monday of May, and the first Monday of October of each year. Walworth.

SEC. 3. All process, proceedings and recognizances heretofore issued, or which may be issued from said Courts, or either of them, and all proceedings pending therein, or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable, at the times named as the time for holding the said Courts respectively. When process returnable.

SEC. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

SEC. 5. This act shall take effect from and after its passage. When Act to take effect

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senat.

Approved March 15th, 1851.
NELSON DEWEY.

[NOTE.—This law was published March 21st, 1851.
WM. A. BARSTOW,
Secretary of State.

An Act concerning the Writ of Error. **Chap. 296**

The People of the State of Wisconsin, represented in Senate ıd Assembly, do enact as follows:

SECTION 1. All cases decided by the late Supreme Court the Territory of Wisconsin, and in which an appeal was, or ight have been taken, or writ of error brought to the Supreme urt of the United States, at the time of the admission of id Territory into the Union as one of the States thereof, and ere by such admission the jurisdiction of the Supreme Court the United States over such crimes ceased, or became di- Certain appeals to U. S. Supreme Court removable to Supreme Court of State.

vested, may be removed to the Supreme Court of this State, at any time prior to the December term thereof, in the year 1851.

Papers, &c, declared to be records of Supreme Court of State.

SEC. 2. All and singular, the papers and records of the said Territorial Supreme Court appertaining to cases removed to the Supreme Court of this State, under the provisions of the first section of this act, shall be and are hereby declared to be papers and records of the Supreme Court of this State.

Cases—how heard and granted

SEC. 3. Cases at law (coming within the provisions of this act) shall be heard by the Supreme Court on motion for re-argument, which shall be granted as of course, and cases in chancery shall be heard on motion for re-hearing, which shall also be granted as of course. Such motion may be made by the party, his, her or their attorney, solicitor or counsel, according to the rules and practice of the Supreme Court.

Powers and jurisdiction of Supreme Court.

SEC. 4. The Supreme Court shall have the same powers to reverse, set aside, annul, alter or revise any decree, order or judgment made or entered by said Supreme Court of the Territory, in the cases removed to said Court under the provisions of this act; and, also, to award new trials, hearings and *venires de novo* in such cases as is by said Supreme Court now possessed over cases brought to said Court from the Circuit Courts of the State.

Supreme Court to control judgments, &c.

SEC. 5. The Supreme Court shall have the same control over the judgments, decrees and records of the late Territorial Supreme Court as it has over its own.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15, 1851.
NELSON DEWEY.

[NOTE. The preceding law was published March 21st, 1851:
WM. A. BARSTOW,
Secretarry of State.

Chap. 297. An Act to incorporate the Milwaukee and Wauwatosa Plank Road Company

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to receive subscriptions.

SECTION 1. That A. O. T. Breed, Hiram T. Rose, S. P. Beecher, George D. Donoman, Garret Oliet, George Albert Francis Randal, T. A. Phelps, F. W. Hohaellner, and Marc Schuetz, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Milwaukee and Wauwatosa

Plank Road Company, are hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in the city of Milwaukee.

Division of Capital Stock.

Sec. 2. The capital stock of said company shall be twelve thousand dollars, and shall be divided into shares of twenty dollars each; and as soon as four hundred shares of the capital stock shall be subscribed, and one dollar of each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of "The Milwaukee and Wauwatosa Plank Road Company," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incident to a corporation, to wit: they shall be capable in law of purchasing, holding, leasing, and conveying estate, either real, personal or mixed: and in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which they are authorised by law to do for the interest and well being of said company.

Name of Corporation.

Corporate Powers.

Commissioners to give notice of election of Directors.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers hereinbefore mentioned, of the time and place of meeting of the stockholders, for the purpose of electing seven directors, who shall elect one of their number President, and annually, thereafter, the said stockholders shall meet on the first Monday in July, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by a majority of the directors for the time being, in such newspapers as they may think proper: Provided, that previous to the first election, the commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties, and be invested with all the powers of directors: And, provided, that if from any cause an election shall not be held on the regular time specified therefor the same may be held at any other time on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and the charter shall not be avoided by reason of the irregularity or want of such election, and in case of any vacancy in the

Proviso.

Vacancies—how filled.

board of directors, the same shall be filled by the other directors or by a majority of them.

Management of affairs.

SEC. 4. The affairs of said company shall be managed by a board of seven directors, who shall be stockholders, and be chosen annually by ballot by the stockholders of said company, the vote to be given in person or by proxy duly authorised; which directors shall appoint one of their number President; and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company; each share of stock shall be entitled to one vote, and in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected.

Stock to vote.

General powers of Directors.

SEC. 5. Five directors shall constitute a quorum for the transaction of business, who, in the absence of the President, may appoint a President pro tem.; the said directors shall appoint a Secretary, Treasurer, such Engineers and other officers as they may find necessary, and fix their compensation, and may demand adequate security for the performance of their respective trusts, and they shall have power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding twenty-five per cent. in any one instalment, and to forfeit to the use of said company the share or shares of every person or persons failing to pay any instalment, at a reasonable period not less than thirty days after the time appointed for the payment thereof. They shall have power to regulate tolls; to make such covenants, contracts and agreements with any person or persons or body politic whatever, as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company. The commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the President and countersigned by the Secretary, subject to all the payments due and to become due thereon: which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws of said company.

Certificates of Stock transferable.

Route.

SEC. 6. The said company shall have power to locate and construct a single or double track plank road from Oliet street in the city of Milwaukee, on or near the Madison road, to Wauwatosa in the county of Milwaukee, from thence to inter-

sect at such a point with the Milwaukee and Watertown plank-road, as shall be determined upon by a vote of the stockholders having a majority of the stock of said company, and who shall be represented in person or by proxy at a special meeting called for the purpose of fixing the location or termination of said road, and they shall have power to erect all such toll houses, bridges and other works and appendages as may be necessary for the convenience of said company in the use of said road. The directors shall exercise all powers conferred on them by law, shall audit and pay all accounts, give and receive all such receipts and discharges of debt as shall be deemed best for the interest of said company; fix the compensation and salary of the officers they may appoint, and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure; prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of the said stock to the stockholders of said company on the first Monday of July and January of each year.

Stockholders to fix location at a special meeting.

Duties of Directors.

Sec. 7. It shall and may be lawful for said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereunto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands for the purposes of said road, not exceeding four rods in width, along the line of said route; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

Appropriation of Lands—when lawful.

Compensation to be made.

Sec. 8. When the said corporation cannot agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purchase thereof or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case it shall be lawful for any Justice of the Peace of the county in which the property may lie, to issue his warrant, directed to the Sheriff or any Constable of said county not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property, to meet at some convenient place at or near the property to be viewed, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at

When Justice may issue warrant summoning jury to assess damages.

the time and place named any of the persons so summoned do not attend, the said Sheriff or Constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent, or attorney or either of them, and if they are not present in person or by attorney, the Sheriff or Constable shall for him or her strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages, and before they act as such the said Sheriff or Constable shall administer to each of them an oath or affirmation, that he will faithfully and impartially value the lands or materials required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantage the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all, or a majority of said jurors, and by the Sheriff or other officer in attendance, and the said officer shall within five days thereafter, transmit the same to the Clerk of the District Court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof, as aforesaid, and when such valuation shall be paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said Court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple, so long as the land thus valued and taken shall be used for the track of said plank road: Provided, that it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear, by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age, or *non compos mentis*, the service of notice upon the guardian or trustee (if there be any), or their absence from the county shall be required to be established by affidavit to the said jurors, before they shall proceed to make such valuation: Provided further, that in case of such disagreement, the company shall not take possession of any land a

Jury to act under oath.

Officer to transmit report to Clerk of Court.

Perfection of title to Land.

Proviso.

Upon whom notice to be served

Proviso.

material until such jury shall have first decided that the taking thereof is necessary, and in case of materials that the same are not essentially necessary to the owner or owners thereof for his, her or their private and proper use.

Stock deemed personal estate, and subject to execution.

Sec. 9. The shares of stock of the company shall be deemed personal property, and every person becoming a shareholder by transfer, purchase, or otherwise, of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the said shares shall be liable to be taken in execution for the payment of the debts of their owners in such manner as is or may be provided by law: Provided, that all debts due said company shall first be paid. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of the said highway until the commissioners of highways for the town through which it passes shall have given their written consent, which shall be recorded in the Town Clerk's office, or if the said commissioners shall refuse to give their consent, then the damages to the town shall be appraised or ascertained as in the case of private property, and the amount so appraised for such highway so taken, shall be paid to the said commissioners of the town to which it belongs, to be by them applied in improving the roads in such town.

Proviso.

Public Highways—how appropriated.

Rates of Toll.

Sec. 10. The directors may erect toll gates and exact toll from persons traveling on their road, whenever three consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh or carriage drawn by two animals; and if drawn by more than two animals, one cent a mile for every additional animal. For every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile; and for every horse and rider, or led animal, one cent a mile. For every score of sheep or swine, three cents a mile; and for every score of neat cattle, four cents a mile: Provided, that persons going to and returning from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll, and no toll shall be exacted of any person or persons while actually going to or returning from any religious meeting on Sunday.

Proviso.

Who to be exempt.

Penalty for wilful obstruction, &c.

Sec. 11. If any person shall wilfully and knowingly obstruct, break, injure, or destroy the plank road so to be constructed by said company, or any part thereof, or any work, building or fixture attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable in a civil suit for the recovery of damages by said company, by an action of

debt, in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the Court.

Capital Stock—how increased.

SEC. 12. The directors of said company may at any annual or special meeting of the stockholders, with the consent of a majority of amount of such stockholders, provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

Reservation.

SEC. 13. If said company shall violate any of the privileges hereby granted, the legislature of the State of Wisconsin may resume all and singular the rights and privileges vested in said company by this act.

When Company liable.

SEC. 14. Said company shall be liable for all damages that may be sustained by any person or persons, in consequence of the omission or neglect to keep said road in good repair and condition.

SEC. 15. This act may be altered or amended by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851. NELSON DEWEY.

Chap. 298

An Act for the relief of the several counties of this State.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Secretary of State to certify Revenue and Proof,

SECTION 1. The Secretary of State is hereby authorised and required on his being furnished with satisfactory proof by the boards of Supervisors of the several counties of this State, under the seal thereof, to certify to the amount of all Territorial and State revenue which has accrued from double assessment and taxation of property in said counties.

When State Treasurer to credit to County

SEC 2. The State Treasurer upon such certificate of the Secretary of State, shall credit the amount therein stated, to the proper county mentioned in said certificate.

SEC. 3. This act shall take effect from and after the passage thereof.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851. NELSON DEWEY.

An Act to legalise the Acts of the district board of school district No. 9 of the town of Eagle in Waukesha county for the year one thousand eight hundred and fifty. Chap. 299

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of the district board of school district No. 9, of the town of Eagle in Waukesha county as far as they have been connected with the building of a school house in said district are hereby declared valid and binding to all intents and purposes. Declared valid.

SEC. 2. This act shall take effect and be in force from and after its passage. When to take effect.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 15th, 1851.
NELSON DEWEY.

An Act to appropriate to William H. Howard the sum therein named. Chap. 300

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to William H. Howard the sum of eighty dollars to be paid out of any money in the treasury not otherwise appropriated in full for executing the requisition (*issued,*) issued by the Governor of this State to the Governor of the State of Indiana for the arrest of a fugitive from justice. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly,
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 13th, 1851.
NELSON DEWEY.

Act for the relief of school district No. four of the town of Janesville and Harmony in Rock County. Chap. 301

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The citizens of school district number four in the town of Janesville and Harmony in the County of Rock, are hereby authorised and empowered to raise a tax on the taxable property of said district to the amount of three thousand dollars for the purpose of building a school house, and for the paying of liabilities already incurred. Who may raise a tax to build a school house.

Citizens may hold a district meeting.

SEC. 2. The citizens of said district, may, for the purpose of carrying out the provisions of the preceding section, hold a district meeting under the regulations of the revised statutes, on the second Monday of April, A. D. one thousand eight hundred and fifty-one at the hour of two o'clock, P. M.

When Act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 302

An Act for the relief of the town of Green Bay.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act amended

SECTION 1. That an act entitled "an act to amend an act to change the corporate limits and powers of the town of Green Bay," approved February eighteen, eighteen hundred and forty-two, be and the same is hereby so amended that the President and Trustees of the said town have power to raise by tax a sufficient sum to pay the existing debts of the said town, and to raise the necessary revenue for the future use and benefit of the said town; said tax not to exceed one and a half per cent. on the assessment in any one year.

Act repealed.

SEC. 2. All parts of said act or of any other law now in force conflicting with the provisions of this act are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 303

An Act to authorise the inhabitants of Union School Districts, five, seven and eight in the towns of Porter, Union and Dunkirk in the Counties of Dane and Rock raise a tax for building a school house.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Who may raise a tax to build a school house.

SECTION 1. The inhabitants of Union School district, composed of districts number five, seven and eight in the towns of Porter, Union and Dunkirk in the counties of Dane and Rock

are hereby authorised and empowered to raise a tax of seven hundred dollars on the taxable property of said Union School district for the purpose of building a school house in the village of Warecoma situate within the limits of said Union School district.

When Act to take effect.

Sec. 2. This act shall take effect and be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 15th, 1851. NELSON DEWEY.

An Act to authorise Thomas J. Townsend to keep a ferry across Fox River. Chap. 305

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Who may maintain a ferry.

Section 1. That Thomas J. Townsend, his heirs or assigns, shall have the right and privilege for the period of five years of keeping and maintaining a ferry across the Fox River on Main street in the village of Sacramento in the county of Waushara.

Ferry subject to general laws.

Sec. 2. Such ferry shall be subject to such regulations as other ferries according to law, fixing the rates of toll in the manner in which licensed ferries shall be kept and attended, and no ferry shall be licensed within two miles of the point where said ferry shall be established.

Rates of Toll.

Sec. 3. Said Thomas J. Townsend shall be entitled for crossing any vehicle drawn by two or more horses or oxen twenty cents; for any vehicle drawn by one horse fifteen cents; for a single horse ten cents; for each head of neat cattle after the first, five cents; for each hog or sheep after the first, one cent.

Act may be amended.

Se. 4. This act may be amended by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th 1851.
NELSON DEWEY.

An Act supplementary and amendatory to an Act entitled "An Act to incorporate the city of Milwaukee, and acts amendatory thereto." Chap. 301

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Common Council to fill vacancy in office of President.

Section 1. Whenever a vacancy shall occur in the office of President of the common council of the city of Milwaukee,

said common council shall elect one alderman to fill said vacancy, and said alderman so elected shall be acting mayor of said city.

Highway upon Town or Ward lines—how laid out.

SEC. 2. Whenever it shall be deemed necessary to lay out a highway, street or alley, upon the line between any of the wards of said city, and any of the adjacent towns, such highway, street or alley shall be laid out by the aldermen of such ward, and the supervisors of the adjacent town, under the same regulations and in the same manner as is prescribed for the laying out of highways upon the line between towns, in chapter sixteen, title six, of the revised statutes.

Council may license taverns, &c.

SEC. 3. The common council of said city shall have power to establish rates for, and license and regulate taverns and groceries, and the sale of spirituous, vinous or fermented liquors:

Proviso:

Provided, That the license in this section mentioned, shall in no wise be granted for a less sum or sums than is prescribed in an act entitled "An act licensing the sale of intoxicating liquors," approved March eighth, eighteen hundred and fifty-one.

Council may dismiss certain officers.

SEC. 4. The common council of said city shall have power to dismiss from office any person elected or appointed to any office in said city, except aldermen and justices of the peace; and the said common council shall provide by ordinance the manner of hearing and of disposing of complaints against any such officer.

Certain Aldermen empowered to borrow money on faith of the ward.

SEC. 5. The aldermen of the second ward of said city of Milwaukee, shall have authority to borrow on the faith of said ward, any sum or sums of money not exceeding in the aggregate the total amount of a special tax levied and assessed on certain lots and lands in said ward, for the continuation of Chesnut street in said ward, in case said tax shall be adjudged illegal; said sum or sums of money shall [be] borrowed for any term or terms not less than six years, or more than ten years, and at such rate or rates of interest, not exceeding ten per cent. per annum, as the said aldermen of the said ward shall deem expedient.

Certain Aldermen authorised to levy a special tax to fill up a bayou.

SEC. 6. The aldermen of the first ward of said city shall have power to provide for the filling up of the by river or bayou situated in the said ward, to defray the expense of said work, a special tax or taxes may be levied and assessed on the lots lying on said bayou, equal in the aggregate to the entire cost of filling up of said bayou, and said tax or taxes may be levied and assessed on and apportioned among the said lots, in proportion to the area of land added by the filling up of said bayou, to each of said lots.

SEC. 7. The aldermen of said first ward shall also have

authority to borrow on the faith of said ward, for any term not exceeding six years, and at any rate of interest not exceeding ten per centum per annum, as said aldermen shall deem expedient, a sum not exceeding two thousand dollars, to be applied to the finishing of the market house in said ward. Aldermen empowered to borrow money to finish Market House.

Sec. 8. Section fifty-seven of "An act to incorporate the city of Milwaukee," approved January 31st, 1846, is hereby amended so as to permit each of the fire engines, hook and ladder, and hose companies, to increase the number of their members so as not to exceed seventy. Act amended.

Sec. 9. The Aldermen of the respective wards of said city shall have power to cause to be set out within their wards on such streets as are graded to the established grade ornamental or shade trees, and shall maintain and preserve the same, and the expense of such improvement, shall be paid by a special tax on the lots fronting on such improvement. Aldermen may cause shade trees to be set out on certain streets.

Sec. 10. The Aldermen of the respective wards of said city shall have power to construct, alter, re-construct and maintain wharves along the banks of the Milwaukee and Menominee rivers, and the said Aldermen shall have the same control over the said rivers as they have over public streets, to defray the expense of constructing said wharves and of dredging or excavating the river in front thereof a special tax shall be levied and assessed upon each of the lots fronting on said improvements in proportion to the extent of front on each such lot: Aldermen may maintain wharves, and have control of rivers. Special tax to be levied for building wharves, &c.

Provided, that no lot shall be taxed for the expense of dredging said rivers more than eleven feet in depth and one hundred feet in width directly opposite such lot. Proviso.

Sec. 11. On the third Tuesday of May next and on the first Tuesday of April annually thereafter, there shall be elected by the qualified electors of the city of Milwaukee, one Mayor, three Aldermen for each ward, one City Treasurer, one Street Inspector for each ward, one City Attorney, one City Marshal, and one Police Justice, who shall possess all the authority, powers and rights of a Justice of the Peace in criminal cases and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in such cases within the city; but warrants returnable before the Police Justice may be issued in criminal cases by any other Justice in the city. The Police Justice may exercise jurisdiction in civil cases where the City is plaintiff to the amount of one hundred dollars and he shall have exclusive jurisdiction in all such cases. When certain officers to be elected. Authority, powers &c. of police justice.

Sec. 12. On the third Tuesday of May next and on the first Tuesday of April in each year thereafter, the qualified voters of each of the wards of said city shall vote for three Asses- When Assessors to be elected.

sors for the ward in which they vote and the three persons receiving the highest number of votes at such election for the office of Assessor in any ward shall be declared duly elected to said office and the Assessors elected in the several wards of said city shall be the Assessors of the State and county taxes and of all taxes authorised to be assessed for all purposes in the city and the several wards thereof and it shall be their duty to make all assesements and valuations in the manner and within the times prescribed in the laws of this State for the assessment of taxes for the State and county purposes: Provided, That they shall not be required to set down the lands and lots the owners of which are unknown, separate from the other assessments.

Duty of Assessors.

Proviso

Council may levy an annual tax.

SEC. 13. The Common Council of said city shall have power to assess and levy annually on such real or personal property or both as by law may be liable to taxation for State or county purposes a tax or taxes for the said city, ward, or other purposes at the rates and per centum of the assessed value of said property as is prescribed in section thirty-one, of an act to incorporate the city of Milwaukee, approved January thirty-first, eighteen hundred and forty-six, and in section (second) of an act to authorise the Aldermen of the first ward of the city of Milwaukee to levy a special tax to raise money for the purpose of erecting a market house in said ward, approved March twenty-seventh, eighteen hundred and forty nine, and in an act additional to "an act to incorporate the city of Milwaukee," approved August the nineteeth, eighteen hundred and forty-eight: Provided, That the said Common Council shall have the power to appropriate out of the general city fund such sums of money as may be necessary to pay the interest on the city bonds now issued for the erection of school and engine houses and for the purchase of fire apparatus and, Provided further, that the said Common Council shall have power to assess and levy an additional tax upon property taxable for city purposes, sufficient to pay the interest on the said city bonds in case the same shall be deemed necessary.

Proviso.

When council may levy additional tax.

Duties of City Clerk.

SEC. 14. The City Clerk shall perform all the duties required by [law] of Town Clerks in the assessment and collection of the State and county taxes, and he shall complete the tax list of each ward within such time as may be prescribed by the Common Cauncil, and deliver the same to the Treasurer of the said city, together with the warrant of the Mayor for collecting the same, and all the taxes assessed upon real estate for the several State, county, city, ward and special purposes shall be a lien on such real estate so taxed, until the same shall be paid and satisfied together with all costs and charges which may accrue thereon agreeably to law.

Taxes a lien on real estate.

Sec. 15. Upon the receipt of the tax lists by the Treasurer who shall be collector for all the wards, it shall be his duty to give notice in some newspaper printed in said city that said tax lists have been committed to him for the purpose of collecting the tax thereon, and that he will receive payment of taxes at his office until the first day of February then ensuing, and said notice shall also state the time and place, when and where he will sell all lots and lands in said list contained, upon which the taxes remain unpaid, at such time or so much thereof as will pay and satisfy all taxes which may be assessed thereon, together with all costs and other liabilities which shall accrue according to law, by advertisement and sale, and the said city treasurer shall proceed in making such sales, and shall give to the purchasers at such sales certificates thereof, and in all things after the manner of sales by the treasurers of counties, and the said lots and lands shall be sold upon the same terms and subject to the same time and conditions of redemption, and shall be redeemed in the same manner; and the city treasurer shall make and execute deeds to purchasers at such tax sales, after the time for redemption shall have expired, to the holders of the certificates, in the name of the city of Milwaukee, and shall sign the same as city treasurer, and attach the seal of said city thereto, and said deeds shall have the same effect and validity, and shall vest the same estate in the grantee, with the same rights, and subject to the same disabilities as deeds made in pursuance of sales by county treasurers for state and county taxes, and the record shall have the same validity; and the city treasurer shall issue warrants for the collection of taxes on personal property, as county treasurers may by law issue warrants, and the same shall be enforced and served in the same manner.

Treasurer to give notice when he will receive payments, and when sell lands.

When Treasurer to execute deeds.

Collection of taxes on personal Estate.

Sec. 16. The Aldermen of any ward of said city, where there is in force any general or special provision by law, or ordinance relating to docks or wharves, streets, alleys, lanes, sidewalks or nuisances, shall have power to levy and assess upon lots or pieces of land a special tax or taxes for building and constructing any dock or wharf, or for opening, widening, grading, graveling filling or making any street, alley, lane or sidewalk, or for abating any nuisance; and said Aldermen shall make under their hands, at such times as the Common Council of said city may prescribe, a return of such special taxes to the Clerk of said city, who shall file the same in his office, and the several amounts of taxes in said return contained shall be carried into the general tax list, and set opposite to the respective lots upon which the same may be levied and assessed in a separate column for that purpose, and the said tax or taxes

Aldermen for the several wards may levy special taxes for certain purposes.

Tax considered a general tax, and to create a lien.

on assessment so made out shall be regarded for all purposes of collection as a general tax, and shall create a like lien upon the lots and pieces of land upon which the same may be levied and assessed as aforesaid, in case of nonpayment of said tax together with such tax or taxes as may be levied upon said lots and pieces of land and left unpaid at the time limited for the payment of the general tax of said city; the said lots or lands shall be sold in the same manner as is provided for the sale of lots or lands for general city taxes, and said lots and lands so sold shall be subject to the same liabilities and limitations as lots or lands sold for general city taxes, and said special tax for the purposes of enforcing collection of said tax by sale for nonpayment thereof shall be *deemed* a general tax.

Lands to be sold as lands are sold for general taxes.

Term of office of certain incumbents extended.

SEC. 17. The present Mayor and Treasurer of said city, and the present Aldermen of the several wards thereof shall continue in the discharge of the duties of their respective offices until the first day of June next, and the present Common Council before going out of office shall examine and audit the accounts of said Treasurer.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 306

An Act relating to "Swamp Lands"

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor may appoint persons to select swamp lands.

SECTION 1. The Governor of this State is hereby authorized to appoint such a number of persons as he may deem advisable, to act under his direction, in selecting the "swamp lands" granted to this State by act of Congress, approved September 1850.

Compensation of persons and whom they may appoint.

Proviso.

SEC. 2. Such persons shall receive for their services each three dollars per day, and they are hereby authorised to employ, when they may deem it necessary, a competent Surveyor and Chain bearers: Provided, that such Surveyors shall not be allowed more than three dollars per day, and such Chain bearers more than one dollar and fifty cents per day.

What lands may not be surveyed.

SEC. 3. That said persons shall not survey any lands lying on any stream or lake which has been heretofore meandered or surveyed by the general government, where the land bordering on said stream, river, or lake has been sold by the government

notwithstanding the water may have receded and left a portion of swamp land between the original meandered line and the water: Provided, such land exempted shall not exceed twenty acres. Proviso.

Sec. 4. The Governor is hereby authorised to obtain from the office of the Surveyor General, copies of all the township plats of this State on file at that office. Governor to obtain copies of Plats.

Sec. 5. The sum of three thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to be applied to pay the expenses to be incurred under this act, said money to be drawn by the Governor at such times and in such sums as will be necessary to pay for such expenses as they will be incurred; and the Governor shall audit and pay the accounts for services and charges of the persons to be employed under this act, which accounts shall be verified under oath as to their correctness in all respects by the persons so employed, and the Governor shall report to the next session of the legislature a detailed account of the expenditure of this appropriation. Sum appropriated to pay expenses of survey. Governor to audit accounts and report to Legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15, 1851.
NELSON DEWEY.

An Act to provide for the laying out of a State Road therein named. **Chap. 307**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Watson Bowron, Abel Keyrs and T. W. Mearse be and are hereby appointed commissioners to lay out and establish a State road, commencing at the village of Oshkosh, thence through section twenty-four, town nineteen, range sixteen, thence through section thirty-one, town twenty, range seventeen, to intersect the Green Bay road between Neenah and Green Bay: Provided, that no part of the expense of laying out said road shall be paid out of the State treasury. Commissioners appointed to lay out Road. Route. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President of the Senate, pro tempore.

Approved March 13th, 1851. NELSON DEWEY.

Chap. 308

An Act to vacate a part of the Town Plat of the village of Oshkosh, and to legalize a subsequent survey.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Declared vacated.

SECTION 1. That all that part of the original plat of the village of Oshkosh, described on the record thereof as follows, to wit: Bond and Division streets, and all of blocks *one* and *four*; and all of that part of block two, three, five, nine, and fifteen, belonging to Robert W. Jackson, be and hereby is vacated.

Recent Survey declared legal.

SEC. 2. That the more recent survey made by said Jackson, (to wit, in the summer of 1848), and now principally under lease, agreeably to said recent survey, is hereby legalized.

When to take effect.

SEC. 3. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15, 1851.
NELSON DEWEY.

Chap. 309

An Act to lay out certain roads therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out Road.

Route.

SECTION 1. That John H. Dennis, Charles G. Poppy and Seth A. Chase, are hereby appointed commissioners to lay out and establish a State road on the most feasible route from the village of Fond du Lac to Oshkosh in the county of Fond du Lac.

Commissioners appointed to lay out Road.

Route.

SEC. 2. That Horace Rush, Thomas C. Snow and Alfred Topliff be and hereby are appointed commissioners to lay out and establish a State road from Columbus in the county of Columbia to Princeton in Marquette county, commencing in James street in the village of Columbus, thence to Fountain Prairie, to or near the centre line of section twenty-nine, (29) town eleven, (11) range twelve, (12) thence in a northwesterly direction until it intersects the State road from Madison to Green Bay on or near section seventeen (17) in said town and range, thence on said road to section twenty, (20) town twelve (12), range twelve (12) thence in a north westerly direction on the most feasible route to Princeton, through the village of Kingston, in the county of Marquette: Provided, That no part of the expense of laying out said road shall be paid out of the State treasury.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851. NELSON DEWEY.

An Act to grant to the "Neenah and Manitowoc Plank Road Company, the right of way through the State Land. **Chap. 310**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall and may be lawful for the "Neenah and Manitowoc Plank Road Company," their officers, engineers, and agents, to enter upon any lands belonging to the State of Wisconsin, for the purpose of exploring, surveying and locating the route of the road; which by their charter, they are authorised to construct, doing thereto no unnecessary damage. And when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use said lands not exceeding four rods in width, along the line of said route; and to take and use any gravel, stone, or other material which may be found upon said lands, and which may be necessary to be used in the construction of said road. Company may use certain State Lands

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

An Act to incorporate the Rich'and City Bridge Company **Chap. 311**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Isaac H. Wallace, and such other persons as shall associate with him, be, and they are hereby incorporated by the name and style of "the Richland City Bridge Company," and by such name may sue and be sued, plead and be impleaded in any Court in this State, and may have a common seal, and may change the same at pleasure. Name and Corporate Powers.

SEC. 2. Isaac H. Wallan, Nathaniel Wheeler, and Robert C. Field, or any two of them, are hereby appointed commissioners to receive subscriptions to the capital stock, and shall open a book of subscription at the house of Isaac H. Wallace, in Richland city, Richland county, on the first Monday of July, one thousand eight hundred and fifty one, which book shall be kept open for three days. Commissioners to open book of subscription.

SEC. 3. The capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of ten dollars each: Provided, said company shall have power to increase the capital stock to any amount not exceeding fifty thousand dollars. Capital Stock—how increased.

Company may build a bridge.

SEC. 4. The said company shall have power to build and construct a bridge across the Wisconsin river, at some point in Richland city owned by said Isaac H. Wallan in Richland county, and extend across the river to lands owned by said Wallan in Iowa county.

Specific construction of Bridge.

SEC. 5. The said bridge shall not be less than sixteen feet wide, and sufficiently high to allow rafts to pass at high water, and shall have a good substantial railing on both sides, and shall not be less than fifty feet span over the channel; said bridge shall be so built as not to obstruct or encroach upon the channel of the Wisconsin river by any permanent obstruction, and shall have a convenient draw capable of being so managed as to admit the passage of all boats and vessels navigating or which may hereafter navigate the Wisconsin river, without hindrance or unnecessary delay, and the company shall see the same attended to, so as to pass and repass all boats and vessels at all times, free of expense and without unnecessary delay or interruption, and shall be commenced within two years, and shall be completed within five years.

Draw to be free, and completed within a given time.

Rates of Toll.

SEC. 6. The said company shall have power, for the term of fifteen years after the completion of the bridge, to demand and collect toll for passing the same, as follows: for any vehicle drawn by two horses or oxen, twenty-five cents; and for any vehicle drawn by one horse, fifteen cents; and for each additional horse or ox, five cents; for foot passengers, three cents; for a single horse, five cents; for all animals in droves of less than fifty head, two cents each; and for all droves over fifty, one cent each: Provided, that hogs and sheep shall not be charged more than one cent per head.

Rates to be posted up.

SEC. 7. Said company shall keep posted up in some conspicuous place on said bridge, a list of the rates of toll allowed by this act.

Company may make by-laws.

SEC. 8. Said company shall have power to make all by-laws for the regulation of the affairs of said company, not repugnant to the laws of the United States or of this State.

Provision for amendment, &c

SEC 9. Any future legislature may alter or amend this act.

When Act to take effect.

SEC. 10. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved March 15th, 1851. NELSON DEWEY.

Chap. 312

An Act to permanently locate the county seat of Columbia County.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That at the annual town meetings to be held in

the several towns in the county of Columbia on the first Tues- Electors to vote for permanent location
day in April, eighteen hundred and fifty-one, the electors of said county shall be and are hereby authorised to vote for the permanent location of the county seat of said county at Fort Winnebago in said county; if said Fort Winnebago shall receive a majority of all the votes cast on that subject at such town meetings, then Fort Winnebago shall be and remain the permanent county seat of said county.

SEC. 2. The same restrictions and qualifications shall be ob- Restriction, &c. same as for general election.
erved by the people and authorities in conducting the election or the location of the county seat as is now provided by law or conducting general elections.

SEC. 3. The votes cast for the location of the county seat, Returns to be canvassed as returns for election of County officers.
all be returned and canvassed in the same manner as votes ast at elections for county officers.

SEC. 4. The votes shall be by ballot and shall have written Form of Vote.
printed, or partly written and partly printed on each of them e words "Fort Winnebago, Yes," or "Fort Winnebago, No."

SEC. 5. If said Fort Winnebago shall not receive a majori- When County Seat shall be established at Wyocena.
of all the votes cast on this subject at such town meetings, en the county seat shall be permanently established at Wyocena.

SEC. 6. The proprietors of the village where the said coun- Proprietors to make deed of Land necessary for County building.
seat may be located, shall make to the county a warrantee ed of land suitable and sufficient upon which to erect all coun- buildings, to be selected by the board of Supervisors of said unty.

SEC. 7. It shall be the duty of the Clerk of the board of Clerk of Supervisors to notify Clerk of Court of result—who shall publish the same.
pervisors within ten days after the votes cast upon this sub- t have been canvassed, to notify the Clerk of the county rt of the result of such election for the location of the coun- seat, and upon the receipt of said notice, the Clerk of the rt shall cause the same to be published in one of the newsers printed in the village of Madison, and also in the newsers published in the said county of Columbia.

SEC. 8. From and after the publication of said notice, the Location fixed on publication of notice.
nty seat of said county of Columbia, shall be located in acdance with said notice, namely, at Fort Winnebago, if a maty of all the votes cast on that subject are in favor of that e, or at Wyocena, if a majority of all the votes cast on that ect are not in favor of Fort Winnebago.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851. NELSON DEWEY.

Chap. 313

An Act to appropriate to the County of Rock, the sum herein named

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sum appropriated.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of one hundred and six dollars and eighty cents, to be paid to the treasurer of the county of Rock, in full for keeping and maintaining Thomas H. Dodson, a state convict, for the term of forty-two weeks, prior to and up to the twelfth day of November, one thousand eight hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 314

An Act to incorporate the City of Milwaukee.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Boundaries.

SECTION 1. That the district of country included within the following limits and boundaries in township numbered seven of range numbered twenty-two east, in the county of Milwaukee, to wit: Beginning on the lake shore, in the northerly part of Milwaukee Bay, where it is intersected by the section line running east and west on the north side of section numbered twenty-two, thence west along said line 5 $\frac{33}{100}$ chains to the quarter section post between sections fifteen and twenty two, thence north on quarter section line, twenty chains to the north-east corner of the south-east quarter of the south-west quarter of said section fifteen, thence west to the north-west corner of said quarter quarter section, thence south to the south-west corner of said quarter quarter section, so as to include the Alms House farm, thence west along said section line and the north line of section twenty-one and section twenty, to the quarter post on the north line of section twenty, thence south along the quarter section line to the centre of said section numbered twenty, thence west along the quarter section line of said section numbered twenty, and section numbered nineteen to the west line of said township and range, thence south along the said range line to the north boundary line of township number six, thence east along said north line to the lake shore in the southerly part of Milwaukee Bay, thence from a point

therein in range with the south side of the south pier of the government harbor, the line shall diverge and run south easterly in a direct line to and along the south side of said pier to the further extremity thereof, and five hundred feet beyond, and from thence due east to the eastern boundary of the State in Lake Michigan, thence north to a point opposite the place or point of beginning, thence west to the place or point of beginning, shall be a city, by the name of "Milwaukee," and the people now inhabiting, and those who shall hereafter inhabit within the district of country hereinbefore described, shall be a municipal corporation, by the name of the "City of Milwaukee," and shall have the general powers possessed by cities, at the common law; and in addition thereto shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

Name of City.

Corporate Powers.

SEC. 2. For the better government of the said city, the district of country comprised in the limits described in the first section of this act, shall be divided into five wards, as follows: All that part of said district which lies east of the middle of Milwaukee river and north of the middle of Wisconsin street, shall be the first ward; all that part of the said district which lies west of the middle of Milwaukee river, and north of the middle of Cedar street, and its extension to the west line of the city, shall be the second ward; all that part of the said district which lies east of the middle of the said river, and south of the middle of Wisconsin street, shall be the third ward; all that part of the said district which lies west of the middle of said river, south of the middle of Cedar street, and within sections numbered twenty-nine and thirty, shall be the fourth ward, and the residue of said city shall be the fifth ward.

Division by Wards.

SEC. 3. On the third Tuesday of May next, and on the first Tuesday of April in each year thereafter, the male persons who are qualified by the constitution of this State to vote for State and county officers, and who have resided within the city one year, and within the ward where they shall propose to vote ten days next preceding any election, may, within their wards, at such places as may be designated by the present Common Council for the said first election to be held on the third Tuesday of May next, and by the Select and Common Councils for the elections thereafter, vote for one Mayor, one Treasurer, one Marshal, and one Attorney for the city; and for the ward in which they vote, one Alderman, to represent said ward in

City officers—who to elect.

and to be a member of the Select Council of said city, three Aldermen to represent said ward in and to be members of the Common Council of said city; one Constable, one Street Inspector, and three Assessors of Taxes for said ward; and at the election to be held on the first Tuesday of April, in the year of our Lord one thousand eight hundred and fifty-two, and at the election to be held each second year thereafter, in and for each ward one Justice of the Peace.

Aldermen to be inspectors of elections.

SEC. 4. The elections in said city shall be held and conducted by the Aldermen of the Common Council of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations as prescribed by the general election laws of this State to be taken by the Judges and Inspectors of elections, and shall have power to appoint Clerks of such elections, and to administer the necessary oaths. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the boards of Inspectors thereof filled as required, directed and specified in the laws of this State regulating elections.

Elections—how conducted.

When oath to be taken.

SEC. 5. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States, on the subject of naturalization) that you have resided within this city one year and within this ward ten days next preceding this election and that you have not voted at this election;" and if the person offering to vote shall take such oath his vote shall be received. And if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person, who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to an indictment and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars or less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorised to vote, or shall make out false returns

Penalty for illegal voting.

Inspectors to keep a list of challeng'd votes

of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to indictment and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars and not less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Milwaukee, and all the penalties imposed by this section shall be for the benefit of the poor of said city. Inspectors and Clerks—Penalties for malfeasance.

SEC. 6. When an election shall be closed and the number of votes for each candidate or person voted for, shall be counted and ascertained, the said inspectors shall prepare and make under their respective hands and seals duplicate returns thereof stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the select and Common Councils at the times and places appointed for them respectively to meet and receive the the same; and within twenty-four hours after the election of Aldermen the inspectors holding such election shall give notice in writing to each of said Aldermen elected of their respective elections. Inspectors to make duplicate returns to council, and give notice to aldermen elected

SEC. 7. The person receiving the highest number of votes at an election for any office created by this act shall be declared duly elected to said office; and in case of a tie or even number of votes having been given to two persons for the same office a new election shall be ordered and held. Every person elected or appointed to office in pursuance of this act shall hold his said office and discharge the duties thereof, for one year, (except Justices of the Peace who shall hold for two years) unless removed therefrom, and until his successor shall be duly elected or appointed and qualified. Persons elected or appointed to fill vacancies shall hold their said offices and discharge the duties thereof for the term of and according to the conditions, with the same rights, and subject to the same penalties as the person whose office they may be elected or appointed to fill. Plurality to elect

Term of office.

SEC. 8. Special elections to fill vacancies in any office or for any other purpose shall be held and conducted by the Aldermen of the Common Council, in and for each ward in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and in such time as may be prescribed by ordinance. Special Elections, how made

SEC. 9. The Select Council of said city shall be composed of one Alderman from each ward, and the Common Council shall be composed of three Alderman from each ward. Select Common Councils.

SEC. 10. The Aldermen elected to the Select and Com-

Separate Councils—time of meeting, &c.

mon Councils shall meet at such place in said city as the said Councils, each for its own body, may after the first election agree upon, and afterwards at such place as by ordinance duly passed may be fixed for that purpose, between the hours of ten and twelve of the clock in the forenoon on the Monday following each and every election of Aldermen, and after organizing each council temporarily, by selecting one for Chairman and one for Secretary, shall then and there receive the returns of their election as aforesaid, and shall forthwith proceed to examine the same and to judge and determine thereon; and for that purpose the said Aldermen elected to the Select and Common Councils respectively, or a majority of them, shall be judges of their own elections, and shall have full power and authority to approve thereof or to set aside the same.

Aldermen to be judges of Election.

Aldermen to take oath, &c.

SEC. 11. Each and every Alderman elected to the Select and Common Councils, returned and chosen in the manner aforesaid, and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation before some person competent to administer oaths, "well and faithfully to execute the office of Alderman of the Select Council, or of the Common Council, (as the case may be,) of the city of Milwaukee;" and shall thereupon enter upon the duties thereof.

Each Council to elect necessary officers

SEC. 12. When the elections of the said Alderman, or of a majority thereof, in each Council, shall be so as aforesaid approved, each of the said Councils shall elect one member thereof to be the President thereof; and each Council shall elect a Secretary and such other officers as may be deemed necessary:

Proviso:

Provided, that the same persons may be elected the Secretary and other officers of both Councils. And in case of a vacancy in any of said offices at any time, or in case of the absence or inability of the said officers to act, the said vacancy may be

Vacancies—how filled.

filled by the election of another person to such vacant office, either permanently or temporarily as the case may require.

Duties of Council in Convention.

SEC. 13. The said Select and Common Councils, when organised as aforesaid, shall on the same or some subsequent day meet in convention, and add up and pass upon the returns from the several wards of the votes given at the previous election for the offices of Mayor, Treasurer, Marshal and Attorney of the city, and also for all the officers authorised by this act to be elected in and for the several wards. And as such Judges of such elections shall pass upon and decide the legality or illegality of the same, and shall declare the person having the highest number of legal votes for any particular office, to be duly elected to such office. And the like proceedings shall be had after any special election to fill any vacancy in any

the offices created by this act, or for any other purpose, at such time or times as the said Councils shall direct.

Councils to have separate organization.

Sec. 14. The said select and common councils shall at all times have a separate and distinct organisation. They shall not hold their sessions for the transaction of business on the same day, unless for extraordinary causes, which shall be entered upon their respective journals. Each council may authorise and appoint as many joint committees, standing committees and special committees as may be deemed necessary or expedient. Each council may adopt rules for its own government and proceedings. One council shall not adjourn for a longer term than four weeks without the consent of the other. A majority of each council shall be a quorum for the transaction of business, but a smaller [number] may adjourn. Their sessions shall be open and public. Their proceedings shall be recorded, and all their papers, and all election returns shall be filed by their Secretaries; and the same may be examined at any time in the presence of the Secretary. Each member may have one vote on any one question and no more. The yeas and nays may be required at any time by one member, and on all questions, ordinances or resolutions for assessing taxes, or for the appropriation or disbursement of money, the vote shall be taken by yeas and nays and duly entered on the journal of proceedings. Each council may punish by fine its members, or other persons present for disorderly behavior; and may dismiss a member for neglecting his duties as such member, or for unnecessary absence from the sessions of council. At all elections by either council, or in convention of councils the vote shall be given *viva voce*, and shall be duly recorded on the journals of each council. When the members of the councils meet in convention the President of the select council shall be the presiding officer of the convention and the Secretaries of the councils shall be the Secretaries thereof, and they shall duly record the proceedings of the convention on the journals of each council.

Secretaries to record proceedings.

When vote to be by yeas and nays.

At elections vote to be given viva voce.

Council may elect and remove certain officers.

Sec. 15. The members of the select and common councils in convention assembled, shall elect by the vote of the majority present, for the term of one year, unless sooner removed, the following officers, and such others as may be necessary to carry out the powers conferred by this act on said municipal corporation, and also in the same manner and by the same vote remove them at pleasure, to wit: one city surveyor, one city clerk, school commissioners, one collector of taxes for each ward, one chief engineer of the fire department, and as many assistant engineers as they may from time to time deem expedient; one sealer of weights and measures; measurers of fuel, grain, lime

and other articles; weighers of hay, pound masters, sextons or keepers of burial grounds, inspectors of flour and provisions, one harbor master, and one superintendent of the alms-house; and prescribe their compensation and duties, and impose and enforce such penalties as may be prescribed by ordinances for any malfeasance or improper conduct of any of said officers.

Council may dismiss certain officers.

SEC. 16. A majority of the members of each council in convention assembled shall have the power to dismiss from office any person elected or appointed to any office in said city, except Aldermen and Justices of the Peace; and the said council shall provide by ordinance the manner of hearing and disposing of complaints against officers. And in cases of a tie vote, or a failure in making an election of an officer or Alderman, or in case of the dismissal of an officer or Alderman, or where any officer elected or appointed for the city moves his residence without the limits of the city, or where any Alderman or officer elected or appointed in and for a ward moves his residence without the limits of such ward, or whenever a vacancy may occur in any other manner in any office to be filled by an election by the people, the Mayor shall by proclamation order a special election, giving five days' notice thereof, for the election of a person to supply said vacancy. And where a vacancy may occur in any office to be filled by a vote of councils in convention, the same proceedings shall be had for the election of a successor as are herein directed for elections by the members of said councils in convention assembled.

When Mayor to issue proclamation to fill vacancies.

Other vacancies — how filled.

General powers of Select and Common Councils

SEC. 17. The power of the corporation of the said city shall be vested in said select and common councils, who shall in separate and distinct council assembled have full power and lawful authority to make, ordain, enact, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce, and health thereof, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: Provided, that they be not repugnant to the constitution and laws of the United States, or of this State, and for those purposes shall have authority by ordinances, resolutions or by-laws.

Proviso.

Specific Powers of Councils.

I. To establish rates for and license and regulate taverns, groceries and victualling houses, and all persons retailing or dealing in spirituous, vinous, or fermented liquors, and to license and regulate the exhibitions of common showmen or shows of

any kind, or the exhibition of any natural or artificial curiosity, caravans, circusses, or theatrical performances, and to provide for the abatement or removal of all nuisances, under the ordinances or at common law: Provided, That the license in this section mentioned, shall in no case be granted for a less sum or sums than is prescribed in an Act entitled "An Act licensing the sale of intoxicating liquors," approved March the eighth, one thousand eight hundred and fifty-one. Proviso.

II. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city.

III. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses or groceries, houses of ill fame, billiard tables, nine or ten pin alleys or tables, shows and exhibitions, and to authorise the destruction of all instruments used for the purpose of gaming.

IV. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort, and convenience of the inhabitants of said city.

V. To direct the location and management of all slaughter houses and markets, to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying gunpowder or other combustible materials.

VI. To prevent the incumbering of the streets, sidewalks, lanes or alleys, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, firewood or any other materials or substances whatever.

VII. To prevent horse racing, immoderate riding or driving in the streets, and regulate the places of bathing and swimming in the waters within the limits of said city.

VIII. To restrain the running at large of cattle, swine, sheep, poultry, and geese, and to authorise the distraining and sale of the same.

IX. To prevent the running at large of dogs, and to authorise the destruction of the same in a summary manner, when at large contrary to the ordinance.

X. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides, or skins of any kind; and on default, to authorise the removal thereof by some competent officer, at the expense of such person or persons.

XI. To make and establish public pounds, pumps, well cisterns and reservoirs, and to provide for the erection of wate works for the supply of water to the inhabitants of said city a any ward therein, to erect lamps, and regulate and licens hacks, cabs, drays, carts, and the charges of hackmen, cabmen draymen and cartmen in the city. And to provide for lightin the streets, public grounds, and public buildings of said city with gas, or otherwise.

XII. To establish and regulate boards of health, provid hospitals and cemetery grounds, regulate the burial of th dead, and the return of the bills of mortality, and to exemp burying grounds and grounds set apart for the public use, fro taxation.

XIII. To regulate the procuring of fire buckets, and th purchase of fire engines, and to preserve said city from injuries by fire, and to prescribe and regulate the materials of which houses may be built within the fire limits, and the manner o erecting and securing chimneys, and to provide for removing chimneys which may be deemed dangerous and to require and provide for the building of new chimneys where deemed necessary, at the expense of the owners or occupants of buildings when the same may be required.

XIV. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

XV. To establish fire limits.

XVI. To regulate the building of wharves, bridges, mill races, and canals, and provide for the security and protection of the same.

XVII. To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the side walks in said city, or in any way doing any damage to such side walks.

XVIII. To prevent the shooting of fire arms or crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying any citizen thereof.

XIX. To restrain drunkards, immoderate drinking, or ob scenity in the streets or public places and to provide for arresting, removing, and punishing any person or persons who may be guilty of the same.

XX. To restrain and regulate runners or solicitors for boats, vessels, stages, public houses or other establishments; to regulate the police of the city, to appoint firemen, prescribe their duties and to punish their delinquencies.

XXI. To establish public markets and make rules and regulations for the government of the same, to appoint suitable o

ficers for overseeing and regulating such markets and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

XXII. To license and regulate butcher's stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions.

XXIII. To regulate the place and manner of weighing and selling of hay, and measuring and selling of fuel and lime, and o appoint suitable persons to superintend and conduct the same.

XXIV. To compel the owners or occupants of buildings or rounds to remove snow, dirt, or rubbish from the side walk, treet, or alley opposite thereto, and to compel such owner or ecupani to remove from the lot owned or occupied by him all ach substances as the board of health shall direct, and in his efault to authorise the removal or destruction thereof by some fficer of the city at the expense of such owner ar occupant.

XXV. To lay out new streets, highways, lanes, alleys and ublic walks, and to vacate such streets, highways, lanes, al-ys and public walks as in their opinion shall not be of public ility; to extend, or widen streets, highways, lanes, alleys and ublic walks; to regulate the grade, pitch or elevation, and the ving, repairing and improving, of streets, side walks, lanes, leys and public walks, making the persons injured thereby equate compensation.

XXVI. To regulate the construction of piers or wharves tending into Lake Michigan within the limits of said city, d to prescribe and control the prices to be charged for pier-e or wharfage thereon.

XXVII. To regulate and control the landing of persons m boats or vessels wherein are contagious or infectious dis-es or disorders, and to make such disposition of such persons to preserve the health of said city.

Laws, Ordinances, &c., to be published prior to being recorded.

Sec. 18. All laws, ordinances, regulations, resolutions and laws shall be passed by an affirmative vote of a majority of select and common councils respectively, and shall be ned by the President of each council, and shall be published days in one daily newspaper in said city before the same ll be in farce, and within fifteen days thereafter they shall recorded by the City Clerk in books to be provided for that pose; but before any of the said laws; ordinances, regula-s, resolutions or by-laws, shall be recorded, the publications reof respectively within the said time shall be proved by the lavit of the foreman or publisher of such newspaper, and affidavit shall be recorded therewith, and at all times shall leemed and taken as sufficient evidence of the time and ner of such publication.

Sec. 19. The powers conferred upon the said councils to

Certain houses to be deemed and declared nuisances.

provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in the Courts according to law. Depots, houses or buildings of any kind wherein more than thirty pounds of gunpowder is deposited, stored or kept at any one time, gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Select Council to audit accounts of city officers

SEC. 20. The select council shall examine, audit and adjust the accounts of the Mayor, Clerk, Treasurer, School commissioners, Street commissioners, Collectors, Marshal, and all other officers and agents of the city, and of every ward thereof at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the said select council shall require each and every such officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account or accounts, or present his books and vouchers to said council, it shall be the duty of the select and common councils to declare the office of such person vacant. And the select council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

Proceeding in case of neglect to exhibit vouchers.

Mayor elect to take oath, &c.

SEC. 21. When the councils shall have ascertained from the returns, and declared the person duly elected to the office of mayor as hereinbefore directed, the person so elected to said office, shall make and subscribe, before some person authorised by law to administer oaths, an affidavit, "well, impartially and faithfully to discharge the duties of the office of mayor of the city of Milwaukee, and also to support the constitution of the United States and of this State," whereupon he shall be fully authorised to enter upon the duties of his office.

General Powers and Duties of Mayor.

SEC. 22. The Mayor shall be the chief executive officer and magistrate of said city. He shall preserve the peace and good order of the city, and shall see that the laws of this State, and the ordinances, laws, rules, regulations, resolutions, and by-laws of the city be observed and executed. He shall from time to time recommend in writing to the councils, such measures as he may deem expedient for the good government and welfare of the city. He shall have and may exercise the power and au-

thority to administer oaths, to take and subscribe affidavits and depositions, and acknowledgments or proofs of deeds for the conveyance of lands and other instruments of writing. He shall grant and issue all licenses authorised or required by law, or by the ordinances of said city, upon the presentation of the City Treasurer's receipt of the payment of the amounts or sums of money required therefor. He shall appoint as many assistant marshals as he may deem expedient, not exceeding one for each ward of said city, and bridge tenders and watchmen, and one Captain of the Watch; and may remove the marshals and assistant marshals, and bridge tenders and watchmen, and Captain of the Watch, or any of them, for violation or neglect of duty or other good cause; and to suppress a riot or mob, or to preserve the peace and quiet of the city he may appoint as many temporary and special constables as he may deem necessary.

General Powers and Duties of Mayor.

Sec. 23. It shall be the duty of the Mayor to keep his office open daily, except Sundays and Christmas Days, where he shall hear and dispose of breaches, infractions, and violations of the laws, ordinances, rules, resolutions, regulations, by-laws and orders of said city; and all complaints, informations, and cases of breaches of the peace, quiet or good order of the city; and impose and enforce the prescribed penalties therefor; and also for all violations of the laws and ordinances regulating licenses; and all such other duties as may appertain to his said office of Mayor.

General Powers and Duties of Mayor.

Sec. 24. The Mayor shall have power to issue warrants, attachments, subpœnas, executions and all other writs, process and papers necessary to carry out and enforce the powers and jurisdiction here conferred; and he shall have the same power to require and enforce the observance and execution of the said writs, process and papers as the Courts of this State. All writs, process, licenses and papers issued by the Mayor shall be signed by the Mayor and sealed with the seal of the city.

Suits before Mayor—how commenced.

Suits or proceedings before the Mayor shall be prosecuted in the name of the city of Milwaukee, and shall be commenced by warrant or capias, upon information in writing under oath, or upon his own observation, or that of the Marshal, assistant marshals, watchmen or constables of said city; and he may proceed to hear and dispose of all cases in a summary manner; and enter judgments, decrees, and sentences as may be just and proper; and issue commitments and executions to enforce the same, together with legal costs. And executions issued upon such judgments, decrees or sentences shall authorise and command the officer to whom the same may be issued, to levy the same of the goods and chattels of the defendant or defend-

ants therein named; and in case the said defendants have no such goods and chattels whereof to levy the same, or in case of the non-payment of the amount of such writ or execution and costs, to imprison the said defendant or defendants in the common jail of the county of Milwaukee, for such time as may be prescribed by the law or ordinance under which the judgment, decree or sentence shall have been rendered, but not exceeding sixty days. The Mayor shall also have power to commit or bind over to the Courts of the State, such persons as may be found upon examination before him to be indictable; and may have and exercise the same power and authority to punish for contempts as the Courts of this State; and he shall grant appeals from his final judgments, decrees and sentences, in the same manner as Justices of the Peace, in criminal cases to the Court of Milwaukee county having jurisdiction of such appeals from Justices of the Peace; and he shall have and receive for his services such fees as are allowed Justices of the Peace or other officers for similar services, in addition to such annual salary as may be allowed by the council, which shall not be reduced during his term of office.

When defendant may be imprisoned.

Mayor may grant appeals to Court of County

Certain city authorities to be officers of the peace.

SEC. 25. The Mayor, Sheriff, Under Sheriff, and Deputy Sheriff of the county of Milwaukee, each and every Alderman, and Justice of the Peace, Marshal and assistant marshals, constables and watchmen, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, within the limits of said city; and for such purposes may command the assistance of all by-standers; and the Mayor, if need be, may command the assistance of all citizens and military companies; and if any by-standers, citizens, military officer, or private of such company shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance in such case provided.

County jail to be used by the city Expense of keeping, &c.,—who to pay.

SEC. 26. The common jail of the county of Milwaukee shall be used by said city for the imprisonment of any person therein by virtue of any process, commitment or execution issued by the Mayor, or by virtue of an order of the Mayor or any other officer of said city; and all persons committed to said jail in pursuance of any such process, commitment execution or order, or by the marshal or assistant marshal, or constable, or a watchman, or any other officer of said city, shall be under the charge of the Sheriff of said county as prisoners of the said county, but the city shall pay the expenses of keeping and maintaining them.

Duties of City Clerk.

SEC. 27. The city clerk shall attend at the office of the Mayor daily when required during office hours, and shall write

down and duly record in books to be provided by the city for that purpose, all orders, judgments, decrees and sentences, and other proceedings of the Mayor; and he shall make and record a list of all licenses, stating to whom issued and for what purpose, with their dates; he shall also keep an office, which shall be open during the usual office hours, except when in attendance at the Mayor's office; and he shall file in his office all official affidavits except the aldermen's all official bonds, and all ordinances, laws, regulations and by-laws of the councils, with the affidavits of publication annexed, and shall record the said ordinances, laws, regulations and by-laws, in a book or books to be provided by said city. Chattel mortgages and other papers authorised by law to be filed or recorded in a town clerk's office may be filed or recorded by the city clerk in his office. He shall do and perform all the duties required by law to be done and performed by town clerks, so far as such duties can be performed by a city clerk. He shall make all tax lists and issue all warrants for the collection of taxes as prescribed by law. He shall make and certify, when required, under the seal of the city, copies of all records or papers in the office of the Mayor, or in his own office, and all such copies shall be received as evidence in the Courts of this State as fully and effectually as the said original records or papers. The said clerk shall be allowed the same fees as are allowed to registers of deeds and clerks of the board of supervisors, and town clerks for similar services, in addition so such salary as may be granted by the councils. For recording the proceedings of the Mayor, as aforesaid, he shall be paid by the folio the same as registers of deeds, which shall be taxed in the bill of costs in each case or proceeding. The ordinances, rules, regulations, resolutions and by-laws of the councils, with the affidavits of publication thereto annexed and filed or recorded in the city clerk's office, or a certified copy thereof under seal, shall be conclusive evidence thereof, and a printed paper or pamphlet containing the same shall be prima facie evidence thereof. Rule of Evidence.

Sec. 28. The Marshal shall serve all process, writs and notices issued or ordered by the Mayor, or the councils or aldermen, and for that purpose he may pass through and into any county of the State. He shall attend at the Mayor's office when business may require and shall also be present at the sessions of the councils when required. He shall report to the Mayor daily all breaches of the peace and order of the city and all violations of the laws and ordinances of the city, and all persons trading or dealing in any way without such license as may be required therefor. He shall suppress riots, mobs and breaches of the peace and may call to his assistance in the discharge Duties of Marshal.

of any of his duties, all State, county and city officers and citizens, and he shall assist all such officers in the discharge of their duties when required. In serving and executing process and making sales of property upon executions or otherwise, he shall be governed by the laws of the State regulating and providing for the service of process and sales of property by constables, and he shall be entitled to the fees allowed constables. The Marshal shall also do and perform all such duties as may be prescribed by ordinances or resolutions of the councils. The councils may prescribe a tariff of fees for the Marshal not exceeding the rates of constables fees and may also allow him a salary. Assistant Marshals may do and perform all the duties specified herein, or that may be specified by the councils in their ordinances and resolutions to be done and performed by the Marshal and shall be entitled to the same fees; and all such acts and services shall be as valid and effectual as if done by the Marshal.

Council may regulate fees of Marshal.

Councils may provide night watch.

Sec. 29. The councils shall have the power to provide for the appointment, organization and support of a good and sufficient night watch.

Duties of watchmen.

Sec. 30. It shall and may be lawful for the watchmen or any of them and they are hereby empowered and required to apprehend all night-walkers, malefactors, rogues, vagabonds and disorderly persons, whom they shall find disturbing the public peace or shall have cause to suspect of any evil design and to carry the person or persons so apprehended as soon as conveniently may be before the Mayor of the said city to be examined, tried and dealt with according to law. The watchmen shall be at their respective stands and keep watch and ward at the hours and during the times specified, and shall observe, perform and execute all such matters and things as by the ordinances, resolutions, rules, orders, regulations and by-laws of the councils shall be from time to time enjoined them. And in case of any fire breaking out or any great necessity, they shall immediately alarm each other, and the inhabitants in their respective rounds, which when done, they shall repair to their respective stands, the better to discover any other fire that may happen as well as to prevent any burglaries, felonies, breaches of the peace, outrages and disorders, and to apprehend any suspected persons who in such times of confusion may be feloniously carrying off the goods and effects of others. And it shall be the duty of the watchmen to report daily to the Mayor all cases of disorder or breaches of order or of the ordinances of the councils that come to their knowledge, and to do such other duties as may be specified by the councils or directed by the Mayor.

Duty of Council in relation to Surveyor.

SEC. 31. The city Surveyor shall be a practical engineer and shall do and perform the duties of surveyor, engineer and regulator. The councils shall provide an office for the city Surveyor, and shall prescribe his duties, and also a tariff of fees and compensation for his services, and the services of his assistants. The councils shall provide for the making of drafts of the city, designating therein the several streets and sections of the city and showing the regulations, heights, ascents, descents and grades of the streets, water courses and sewers and locations of reservoirs heretofore established and constructed and as the same from time to time may be established and constructed, and for the making of maps, charts, diagrams, profiles of streets, lanes, alleys and of surveys, and the recording thereof and for the preservation of the records, papers, filed notes and other documents in and appertaining to the office of city Surveyor; and that the same shall be the property of the city and be open to the proper inspection of the inhabitants thereof. The councils shall also prescribe the number of assistant Surveyors from time to time and their duties, and they shall be appointed by the city Surveyor.

Power of Surveyor to regulate division walls, &c.

SEC. 32. The city Surveyor upon application to him made shall have full power and authority to regulate party walls and partition fences within said city, and may enter upon the land of any person in order to set out the foundations, and regulate the walls to be built or constructed between party and party, as to the breadth and thickness thereof and location thereof; the foundation of said party walls shall be laid equally upon the lands of the persons, between whom such party wall is to be made or built; and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall in anywise use or break into the said wall. The charge of value thereof to be set by the city Surveyor. Where the adjoining parties do improve or enclose their lots such partition fences shall be made in the manner generally used, and kept in good repair at the equal cost of the parties or owners of the adjoining lots, unless they shall otherwise agree; and if either party between whom such partition fence is to be made, or is, or shall be made, shall neglect or refuse to make his part thereof, or to repair his part thereof, or to pay his share or moiety for such making or repairing, then the other party may make, or repair the said partition fence and shall have an action at law, against the other party so neglecting or refusing for the recovery of his share of the expenses of such making or repairing.

SEC. 33. If any person shall lay the foundation or begin to

Surveyors to mark out foundation and division lines.

lay the foundation of any party wall, or any wall, or build any fence adjoining or upon the line of any public street, lane, or alley within the said city, before the lines and boundaries of the lot or piece of land whereupon the said foundation shall be so laid, or begin to be laid, or fence built, shall be adjusted or marked out by the said surveyor, every such person, as well employer, as master builder, shall forfeit and pay such sum as may be prescribed by ordinance for the use to be therein mentioned.

Power to enter upon Lands.

SEC. 34. The city surveyor and his assistants, and the aldermen may at all seasonable hours, enter upon any lot or lands within said city, and survey or measure the same in order to perform the service and duty required.

Surveyor to be governed by original surveys

SEC. 35. The city surveyor shall be directed and controlled in all cases where practicable, by the original surveys and land marks of streets, alleys, and lots as marked, described and laid down by the original proprietors. And where the owners or proprietors of buildings or fences shall fail to comply with the provisions of this act, in having such previous survey and regulation as herein required, and buildings or fences shall be erected in such manner as to stand partly on the adjoining lot; no length of possession whatever by means of such building or fence of any part of an adjoining lot so encroached upon shall be available, or bar legal proceedings against the owner, or owners of such buildings or fences.

Surveyor to make record of surveys, &c.

SEC. 36. The city surveyor shall make a record of all orders, directions, awards and surveys by him made concerning party walls or partition fences, and every such order, direction, award, and survey, if made with reasonable notice beforehand to the parties interested therein; shall conclude and bind all parties, unless the same be set aside upon appeal. And if any party should be dissatisfied with any order, direction, award or survey of said city surveyor, he may appeal to the select council, who shall finally adjust and settle the same, which shall conclude and bind all parties, the costs of such appeal to be paid as the said select council shall direct, or as may be directed in and by an ordinance.

Parties may appeal to Select Council.

Surveyor not to change, but to establish permanent land marks.

SEC. 37. It shall not be lawful for the city surveyor to change the boundaries or land marks of lots as laid out and sold by the original proprietors, for the purpose of equalizing said lots or correcting said surveys or land marks. And where streets or alleys have been built upon, and in ignorance of the true line thereof, in such manner as to increase or diminish the original width of said street or alley, unless, in the opinion of the councils, the diminution should be so great as to effect the use of said street or alley, or the convenience of the inhabitants

or the regularity of the plat or plan, the line or boundaries of said street or alley shall be limited by said buildings, and the *city* surveyor shall establish permanent land marks in each ward, and within each original plat—survey or addition of said city.

Aldermen of Common Council to be Street Commissioners

Sec. 38. The Aldermen elected to the common council shall be street commissioners in and for their respective wards. Two of whom shall be a quorum for the transaction of business. One of their own number or some person appointed by them, shall be the clerk of the board, and shall keep a fair record of all the acts and doings of the board, draw, prepare, file and preserve the contracts, agreements, receipts, vouchers and papers of the board. The several boards shall make reports in *detail* of their acts and doings to the select council when required, and at the expiration of each year and before their *term* of office shall expire, shall submit all their acts, doings, books, records, vouchers and papers to the said select council for final settlement and adjustment. It shall and may be competent for any person aggrieved by any act or acts, order or orders, of said boards at any time, to have the same reported fully to the select council, and for the said council to enquire into, examine and correct the act or order complained of as may be just and right, and the further action of said board shall be regulated and controlled accordingly.

Select Council may correct acts of Commissioners.

Duties of Street Commissioners

Sec. 39. It shall be the duty of the Aldermen as street commissioners, to order and contract for the opening, making, grading, building, repairing and cleansing the streets, lanes, alleys, side-walks, public wells, reservoirs, gutters and sewers *within* their wards, and to direct and control the street inspector and persons employed or engaged in said works, in pursuance of such orders or contracts. In making contracts for any work, preference shall be given to tax payers of their own ward, if their proposals are equally advantageous with others.

Certain expenses chargeable to general fund.

Sec. 40. The cost and expense of surveying the streets, lanes and alleys, and of estimating work thereon, and of repairing and cleansing streets, lanes and alleys, and of making, building, repairing and cleansing public wells, reservoirs and sewers, shall be chargeable to and payable out of the general fund of the ward wherein the same are located, the grading, gravelling, paving, opening and making the streets, lanes, alleys and side-walks, shall be chargeable to and payable by the owners of lots fronting or opposite to such streets, lanes, alleys and side walks. In alleys, sewers may be ordered by the said aldermen as street commissioners, and made at the expense and charge of the lots or pieces of land benefitted thereby, which shall be apportioned among said lots or pieces of land by

Sewers to be at expense of lots benefited.

the city surveyor, and the said Aldermen as street commissioners, shall issue their certificates to the contractors in the same manner and form, and the same with the interest thereon, shall be assessed upon said lots and pieces of land respectively, as is provided in this act in cases of grading, gravelling, opening and paving streets and alleys. And provided further, That in all cases where improvements or work of any kind is chargeable by this act to lots, all such improvements across streets and alleys, and public squares, shall be made and paid for out of the street taxes of the ward, in proportion to the breadth of the street, alley or public square.

Proviso.

Notice of work to be done to be given to owners

SEC. 41. The streets, to the middle or centre thereof, and the sidewalks, lanes and alleys, shall be graded, graveled, and paved at the cost and expense of the lots and lands lying on or opposite to the same respectively; and the said Aldermen, as street commissioners, shall give notice to the owners or occupants of all such lots and lands, if to be found; but if not found by advertisement for five days in one or more daily newspapers published in said city, requiring them to do the work therein mentioned, within a reasonable time therein specified, in the street, lane, alley or sidewalk opposite their said lots or lands; and if the said work should not be done within the time specified, and in pursuance of such notice, the said commissioners may contract for the doing thereof; and when the said work shall be completed according to the terms of such contract, and the expense thereof ascertained, the said commissioners shall give to the contractor a certificate under their hands, stating therein the amount due such person for the work, whatever it may be; and the lot or piece of land upon which the same is chargeable with interest, at the rate of twelve per centum per annum until paid, which said certificate may be transferred by endorsement thereon; and if the amount of such certificate with the accrued interest thereon, shall not be paid before the time of making the annual assessment of taxes for city purposes, the same shall be specially assessed upon the said lot or lots or lands respectively, and collected as other taxes for the use and benefit of the holders of such certificates. And such notice shall have been given to do the work as herein directed, no informality or error in any of the proceedings or assessments shall vitiate or make void such tax: Provided where the general interest of the city or ward requires deep cutting or extraordinary filling, and the owners of lots or lands fronting on such deep cutting or filling shall feel themselves aggrieved thereby, the said street commissioners, on the petition in writing of such owners, shall require and order the city marshal to summon five disinterested freeholders, not resid-

When Commissioners may contract for doing work.

Certificates to be issued in payment.

Proviso.

When Commissioners to order Marshal to summon Jury for certain purposes

of their ward, who shall meet, and after being duly sworn by some person authorised to administer oaths well and impartially to discharge their duty, shall examine and view the premises, and if in their opinion the lots or lands fronting on such deep cutting or filling will be injured thereby, or that said work will be too burdensome on such lots or lands, it shall be their duty to make report in writing to the said commissioners how much or what proportion of said work shall be chargeable to the said lot or lots or lands and how much or what proportion thereof shall be payable out of the street taxes of the ward; and the work shall be so done as in other cases and the proportion of the cost thereof chargeable upon the said lot or lots or lands shall be assessed upon said lots or lands and collected as in other cases, and the said commissioners shall issue their order upon the Treasury for the amount or proportion payable by the ward.

Jury to report to Commissioners.

Sec. 42. It shall be lawful for the said aldermen as street commissioners to give notice to all owners or occupants of lots on which there may be a nuisance by water confined for want of proper drainage or of any other kind if to be found and if not found by advertisement in one or more daily newspapers published in said city for five days to remove or abate the said nuisance within a reasonable time therein specified, and if such nuisance is not removed or abated within such time the said aldermen as street commissioners shall order the same removed or abated at the cost and expenses of the owner of such lots, and they shall present their petition to the circuit court of the county of Milwaukee setting forth the nature of such nuisance with the description of the lots the amount of such costs and expenses so incurred as to each lot, and the notice given as aforesaid, with an affidavit of the truth of the facts contained in said petition, whereupon the said court or the judge thereof in vacation shall order judgments to be recorded against the said owners of such lots if known, otherwise against the said several lots by description for the said amount and costs and interest at the rate of twelve per centum per annum until paid, in the name of the city of Milwaukee for the use of the person named in said petition who did the said work. Said judgments shall be liens on said lots in preference to any other liens of previous or subsequent dates and shall be entered by the clerk without the aid of an attorney or without a judgment record, and executions may be issued thereon and the said lots sold as other real estate upon execution.

Commissioners may give notice to owners of lots to abate a nuisance.

When judgments to be rendered for costs, &c., abating nuisances.

Liens thus made to have preference.

Sec. 43. It shall not be lawful for the said aldermen as street commissioners or for the councils to order or authorise in any manner the alteration of the grade, pitch, or elevation of

waukee, who shall deliver the same to the county board of supervisors at the next meeting, and shall be by said board equalised and adjusted according to the said laws. After the assessment rolls shall have been thus equalised and corrected, the board of supervisors shall cause the corrected roll of each ward of said city, or a copy thereof, to be delivered to the member of said board from the ward who shall deliver the same to the city clerk, to be by him laid before the select and common councils, and afterwards filed in his office, and by the said councils rates per centum shall be determined for the taxes for the several city purposes, and the aldermen of each ward shall fix and determine the rate per centum for the general ward tax in their respective wards, not exceeding in any one year three-fourths of per centum. And when the said councils and aldermen shall have determined the several rates per centum to be assessed as aforesaid, it shall be the duty of the city clerk, under the direction of the councils, immediately upon the receipt of the same, and of the said assessment rolls, and a certificate from the clerk of the board of supervisors of the county of Milwaukee, of the amount of state and county tax apportioned to each ward, to calculate and carry out in one assessment roll, the total amounts of the several state and county taxes, and in one other assessment roll the total amount of the several city and ward taxes each in separate columns, prepared for that purpose in the assessment roll, setting opposite to the several sums set down as the valuation of real and personal estate, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fractions of a cent. And the said city clerk shall record in a book for each ward separately, the said tax lists of the several city and ward taxes, and the said tax lists or the record thereof, shall be conclusive evidence of the amount of the taxes assessed as aforesaid.

Councils to fix rate per cent.

City Clerk to make two separate assessment rolls.

Duties of City Clerk.

SEC. 48. The City Clerk shall do all the duties required by law of town clerks in the assessments and collections of the State and county taxes and shall pursue said requirements and directions as near as may be in the assessments and collections of city and ward taxes, and shall annex the required warrant to the assessment roll for the collection of the State and county taxes and he shall also annex to each assessment roll of the city and ward taxes a warrant for the collection of said taxes and to pay the same over to the city Treasurer within the time required by law; both said warrants shall be modified so as to conform to the provisions and objects of this act, and he shall deliver the said assessment rolls and warrants to the collector of the proper ward after he shall have given bonds as required by law of town Treasurers for the collection of the State and

Collectors to give Bonds.

county taxes and a bond to the city of Milwaukee with sureties to be approved by the Mayor in double the amount of the assessment roll, well and faithfully to do and perform all the duties of collector of the city and ward taxes in and for the ward to be therein described of said city of Milwaukee, and pay over the same to the city Treasurer.

Duties and compensation of Collectors.

SEC. 49. The collector of taxes in each ward shall do and perform all the duties required by law of town Treasurers and in all things pertaining to their duties in the collection of taxes and making returns they shall observe the provisions of said laws, and they shall receive such compensation for the collection of the city and ward taxes as may be allowed and specified by ordinance, and it shall be the duty of the councils to specify the fees and compensation that shall be allowed the said collectors. The said collectors shall receive city orders in payment of the said city taxes and ward orders in payment of ward taxes, and shall on every Saturday pay over to the city treasurer the amount they shall have collected and they shall make returns of their said assessment rolls and warrants and of all paid and delinquent taxes to the city and county Treasurers at the same time as town Treasurers are required by law to make such returns to the county Treasurer. In case of a vacancy in the office of collector or in case a collector shall refuse or decline to give his bond and qualify as required by law the alderman of the ward shall supply the said vacancy by the appointment of some suitable person collector of taxes who shall give the bond and qualify as required by law, and he shall proceed in all things in the duties of his said office as the law shall prescribe and direct.

Alderman may fill vacancies conditionally.

Tax lien preferred to others.

SEC. 50. The City Treasurer shall keep in his office a duplicate of the record of the city and ward taxes required to be delivered in the city Clerks office. And all taxes assessed upon real estate in pursuance of this law for the several city and ward purposes herein mentioned shall be a lien on such real estate in preference to any other lien.

Sale of Lands for taxes, when made.

SEC. 51. All lots and lands returned to the city treasurer on which said city and ward taxes and charges shall not be paid by the first day of February next after the return thereof shall be subject to sale, and the said city treasurer shall advertise the same for sale, and proceed in making such sales at the time and in the manner, and give to the purchasers at such sales certificates thereof; and in all things after the manner of sales by the treasurer of counties; and the said lots and lands shall be sold upon the same terms and subject to the same time and conditions of redemption, and shall be redeemed in the same manner. And the city clerk shall make and execute

deeds to purchasers at such tax sales, after the time for redemption shall expire, to the holders of the certificates in the name of the city of Milwaukee, and shall sign the same as city clerk and attach the seal of said city thereto; and said deeds shall have the same effect and validity, and shall vest the same estate in the guarantee with the same rights and subject to the same disabilities as deeds made in pursuance of sales by county treasurers for state and county taxes, and the record thereof shall have the same validity. And the city treasurer shall issue warrants against collectors, as county treasurers are authorised to issue against town treasurers, and shall also issue similar warrants for the collection of taxes on personal property as county treasurers may by law issue, and the same shall be enforced and served in the same manner. The county treasurer shall sell all lots and lands returned to him by the several collectors upon which the State and county taxes have not been paid, as other such lands in the county of Milwaukee. The city treasurer, for the time being, shall execute and deliver deeds for all lots in pursuance of sales heretofore made by the treasurer of the city, in pursuance of laws heretofore existing, the same as if this act had not been passed; and all monies, interest, and fees required to be paid for the redemption of lots or lands hereafter sold for city or ward taxes shall be paid to the treasurer, who shall make a record of the said redemptions, and issue duplicate receipts, one of which the person so redeeming or paying shall present to the city clerk, who shall also make a record thereof in his tax record, and duly file the same in his office; and the same interest, costs, charges and fees shall be allowed, charged, and paid for said redemption as specified by law in the redemption of lands sold by county treasurers; and it shall not be necessary to give or publish a notice of the expiration of the time for the redemption of lots or lands sold for city or ward taxes.

City Treasurer may issue warrants against Collectors.

Treasurer to deliver deeds for time being under existing laws.

Notice of redemption not requisite.

Collection of taxes on personal property.

Sec. 52. In case any person upon whom any personal property shall be assessed for city or ward purposes, shall have removed out of the city after such assessment and before such tax shall be collected, he shall be required to pay the same and he may be proceeded against in any town within the county of Milwaukee, or wherever he may be found within the State, in the same manner as if he had not removed from said city. And any person who shall resist the collection of any tax or taxes for city or ward purposes, shall be proceeded against in the same manner as may be provided by law for resisting process in the hands of sheriffs or constables.

Orders on Treasurer—how made and paid.

Sec. 53. All orders upon the City Treasurer for the payment and disbursement of the taxes assessed and collected

for the several city purposes shall be signed by the Mayor and counter-signed by the city Clerk, and the same shall state the nature of the claim or service for which the same is issued, and the fund out of which the same is payable, and before the same is delivered to the person entitled thereto the Clerk shall make an entry in a book to be provided for that purpose, of the date, name of the payee and nature of the claim or service, the fund out of which the same is payable and the amount. And all orders upon the Treasurer for payments out of the ward taxes of the wards shall be signed by the aldermen of the common council of the ward, and shall be counter-signed by the City Clerk, and before the same is delivered by said Clerk he shall enter in a book to be provided by each ward, the date of such order, the amount and the name of the payee. All orders upon the Treasurer shall be payable to the order of the person named herein, and not otherwise, and shall not be received by the Treasurer unless endorsed by such person, but such endorsement shall not create a legal liability, if the order be genuine, or issued without fraud.

Orders to be endorsed.

Sec. 54. There shall be two day's work performed annually on the highways, streets, lanes and alleys by each male person who by the laws of this State is liable or subject to perform highway work, such person shall perform such labor within the ward where he resides, under the direction of the street inspector as the said aldermen as street commissioners may order and appoint, but such person may at his option pay to the said street inspector at the rate of seventy five cents for every day he may be so bound to labor. And in the default of the payment of such money or the performance of such labor the said aldermen as street commissioners of the proper ward shall issue their warrant to the street inspector of the ward for the collection from each and every person so delinquent the sum of one dollar and fifty cents the amount of the tax aforesaid with legal costs; and the said inspector shall have the same power and authority and proceed in the service of said warrant in the same manner as prescribed by law in relation to the service of warrants issued for the collection of taxes assessed on personal property, and shall be entitled to the same fees. But before the said persons shall be required to do such work as aforesaid the street inspector of the proper ward shall make a correct list and enrolment of all such persons within his ward, and shall give one copy thereof, to the said aldermen, as street commissioners of his ward and shall file one copy thereof with the clerk of the select council for the use of said council in auditing the accounts of said inspector.

Commutation of poll tax.

When Street Commissioners to issue warrants to inspectors to collect poll tax, &c.

Sec. 55. No alderman, nor officer of said city, nor of any

Contracts in which officers are a party null and void.

ward thereof, shall be a party to or interested in any co tract or job of work with the said city directly or indirectl or shall furnish any supplies for the said city, or to or for a person at the expense or charge of said city or any wa thereof, and any and every such contract, job, account supplies or claims or demand for or by reason thereof of a such Alderman or officer, or in which he may have any i terest directly or indirectly shall be null and void; and a inhabitant of the city may in the name and at the expen of said city defend against the payment or enforcement the same, or may proceed against all persons concern therein to annul and make void the same. And every ald man, or officer, as aforesaid who may violate the provisio of this section shall be dismissed from his said office, a shall not afterwards be eligible to any office in said ci

Proviso:

Provided, That this section shall not extend to such work the streets and side walks as the said aldermen or offic are obliged to perform in common with other citizens op site or in front of their own lots where the same is d without contract or charge to the ward or city: And pro

When Plaintiff to pay costs.

ded further, That if any person shall institute a suit as afo said through malice, and fail in such suit, the court shall ter judgment against such person for the costs thereof.

Powers of Justices, Constables, &c.

SEC. 56. The Justices of the Peace and Constables el ted or appointed in the several wards of said city shall p sess all the powers and enjoy all the privileges and be s ject to all the liabilities and penalties of Justices of the Pe and Constables of the towns in Milwaukee county, and sh provide the like bonds and take the same official oaths: a the Marshal and assistant Marshals shall possess all the p ers, be subject to the same liabilities and penalties, and joy the same privileges as Constables in the towns in s county.

When President of Select Council may act as Mayor.

SEC. 57. In case of a vacancy in the office of Mayor of his being unable to perform the duties of his office reason of temporary, or continued absence, or sickness any other cause, the President of the select council shall the Mayor and shall be vested with all the powers and p form all the duties of Mayor until the Mayor shall resu his office or the vacancy be filled by a new election. bu said vacancy shall occur within one month of the time which said Mayor was elected the said President of the lect council shall continue to discharge the duties of Ma until the end of said term and until a successor is duly e

Proviso.

ted and qualified. Provided, That before the said Presi shall enter upon the said duties of Mayor he shall take subscribe the official oath of the Mayor, which shall be

with the city Clerk; and during the time he shall do and perform the said duties, shall be entitled to and receive the fees and emoluments of the Mayor.

Certain officers to execute a bond, take oath, &c.

SEC. 58. The Surveyor, Treasurer, Attorney, Marshal and assistant Marshals and all other officers of said city or of the several wards thereof, except those already provided for by this act, shall before they enter upon the duties of their respective officers take and subscribe an affidavit before some person authorised to administer oaths, well and faithfully to discharge the duties of their respective office, and shall also execute a bond to the city of Milwaukee with sufficient sureties to be approved by the Mayor in such penalty or penalties as the councils may from time to time direct, conditioned for the faithful discharge of the duties of the said office, and the said bonds shall be filed in the office of the city clerk, and suits may be brought thereon in the courts in the name of said city against the said principal and sureties, or either, or any of them, upon the default, failure, or neglect of said officer to discharge his said duties, or to pay over or account for any monies or property of said city or of any ward of said city that may have come into his hands. And also upon the adjustment of the accounts of any officer by the select council, the said council may order a certificate of the balance, in the hands of such officer, made by their secretary which with a certified copy under the seal of the city by the city clerk of the official bond of such officer shall be by the city Attorney transmitted to the clerk of the circuit court of Milwaukee or any other county and the said clerk shall enter a suit upon his docket in the name of the city of Milwaukee as plaintiff and the obligors in said bond as defendants, and shall on said docket make a minute of said bond and certificate and the amount thereof and file the said papers, and the said entry shall be a lien on the real estate of said obligors within the county, without other or further proceedings, for the said sum so certified and costs with interest until paid, and execution may issue thereon, and other proceedings had as in other cases; and the said defendants, or any obligors in any such official bonds shall not claim the benefit of the exemption laws of this State in levying such executions, or any executions that may be issued for the recovery of judgments rendered upon any such official bonds.

Balance of accounts to be transmitted to Clerk of Court.

Clerk to enter suit.

Defendants not to have benefit of exemption.

Actions against the city—how commenced.

SEC. 59. When any suit or action shall be commenced against said city the service thereof may be made by leaving a copy of the process by the proper officer with the Mayor, and it shall be the duty of the Mayor forthwith to inform the council thereof, or take such other proceedings as by ordinances or resolutions of said councils may be in such case provided.

Councils may order special elections.

SEC. 60. If any election by the people, or by the councils, provided for in this act, shall for any cause not be held at the time, or in the manner prescribed, or if the said councils should fail to organise at the time herein mentioned after their annual election, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or elections or organisations may be had upon any subsequent day by order of the councils. And if any of the duties enjoined by this act to be done by any officer at a time herein specified are not then done, the councils may appoint another time upon which the said duties may be done: Provided, That the officer so failing to do or execute such duties at the time required shall be liable to the same actions, fines and penalties, as he would be liable to if the said councils had not the power to appoint another time.

Proviso

Competency of witnesses.

SEC. 61. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any action or proceeding in which said city is a party or interested.

Property exempt from sale on execution.

SEC. 62. The following property, now or at any time hereafter belonging to said city, or either of the wards thereof, shall be exempt from levy and sale under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds or lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by any company created or authorised by the councils of said city, and market houses and furniture of council and office rooms: Provided, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale, by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied and sold by virtue of an execution issued to satisfy or collect any debt, obligation or contract of said city, or of any ward thereof.

Proviso.

Council may authorise the formation of fire companies.

SEC. 63. The councils shall have power to authorise the formation of fire engine, hook, ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and shall have their own officers and form their own by-laws, not inconsistent with the laws of this State, or with the ordinances and regula-

tions of said city, and shall be formed only by voluntary enlistments. Every member of each company shall be exempt from highway work and poll tax, from serving on juries, and from military duty during the continuance of such membership. And any person having served the full term of seven years, in either of said companies, shall be for ever thereafter exempt from serving on juries, from poll tax and from military duty, except in cases of insurrection or invasion.

Firemen exempt from certain services.

Sec. 64. If any of the said fire companies now formed, or that may be hereafter formed, shall cause, incite, or create any riot, mob, quarrel or disturbance with any other company, or any person or persons, the mayor shall enquire into the matter of such riot, mob, quarrel or disturbance and shall disband said company, and require the said company to deliver up its fire apparatus whatever the same may be, and shall prohibit its meetings.

When Mayor may disband companies

Sec. 65. The council may make temporary loans on the credit of the city for pressing and necessary city purposes at a rate of interest not exceeding ten per cent per annum, and the amount of said loans with interest shall be paid out of the first taxes assessed and collected after the date or dates of such loan. And the councils shall not authorise, make, or contract for any loan on the credit of said city for a longer period than one year as aforesaid, unless in pursuanee of a vote of a majority of inhabitants thereof voting at a special election held for the purpose within said city, as other special elections are held; and at such election no vote shall be received from any person unless he is qualified to vote according to this act. And it may be *lawful* for the aldermen of the common council in any ward, acting as street commissioners, in pursuance of a vote of the *inhabitants* of their ward qualified to vote as aforesaid, to make temporary loans at a rate of interest not exceeding ten per *cent.* per annum, for the purpose of making or improving the streets, lanes and alleys within their ward, and the said sums so loaned shall be paid out of the first ward taxes assessed and collected after the dates of such loans. And all monies so as aforesaid loaned for the use of the city or any of the wards, shall be received by the treasurer, and disbursed by him as other monies.

Councils may make temporary loans.

Street Commissioners may make loans in certain cases.

Sec. 66. The said city shall not be sued nor shall the property thereof be liable for any debt contracted by or in behalf of any ward; but any person having a debt, claim or demand against a ward may sue such ward by its name or number of the city of Milwaukee, as the case may be, and collect the amount of his judgment, claim or demand of the goods, chattels, land and property of such ward, not by law exempt from

City not liable for ward debts.

execution, and service of process upon a majority of the aldermen of such ward shall be sufficient notice.

Aldermen of wards to do duties of supervisors of towns.

SEC. 67. Each and every ward in said city shall constitute and be a separate township or town, under the law regulating town and county government; and as such shall have and enjoy all the rights, privileges and powers of towns in the county of Milwaukee. And the aldermen of each ward shall be the supervisors of said ward or town, and shall do and perform all the duties required and authorised by law to be done by Supervisors of towns. The alderman of each ward elected to the select council shall be the chairman of supervisors, to meet with and act in the county board of supervisors, in the same manner and with the same rights and powers as by law are prescribed and exercised by other members of said county board.

Aldermen to be overseers of the poor.

SEC. 68. The almshouse belonging to the said city, and the lands appurtenant thereto, shall be managed and superintended by a joint committee of the select and common councils. Whenever the poor of Milwaukee county and the said city are not provided for by the county, the aldermen of the select council shall have charge of the county poor within his ward, and the aldermen of the common council shall have charge of the city poor of their wards; and in all things relating to their duties as overseers or guardians of the poor, the said aldermen shall be directed, governed and controlled by the laws of the State for the relief and support of the poor. And the said aldermen of the common council shall in all things act as a board within their respective wards, and shall report in writing to the councils, at the expiration of every two months, the number of poor they had charge of during said time, and the amount expended in their relief. And it shall be lawful for the councils at all times to pass and enforce all ordinances necessary for the proper management of the said alms-house and lands, and for the due and proper care and relief of the poor of said city, not inconsistent with the laws of this State.

City liable for damages by mob or riot

SEC. 69. In all cases where any dwelling-house or other building or property, real or personal, shall be destroyed within the said city, in consequence of any mob or riot, it shall be lawful for the person or persons interested in and owning such property, to bring suit against the said city for the recovery of such damages as he or they sustained by reason of the destruction thereof, and the amount which shall be recovered in the said action with costs shall be paid out of the city treasury, on certificate of the amount of said recovery and costs by the clerk of the court wherein the said action was brought.

SEC. 70. The person or persons whose property is injured

or destroyed may have and maintain his or their action against all and every person engaged or participating in said riot or mob, to recover full damages for any injury sustained: Provided, that no damages shall be recovered by the party injured against any of said riotors, for the same injury for which compensation shall be made by the city. Action may hold against any and every person concerned. Proviso.

Sec. 71. It shall be lawful for the said city, when damages shall be recovered against the city as aforesaid, to bring a suit or suits in the name of the city against any or all persons engaged or in any manner participating in said mob or riot, or against the Mayor, Alderman, Justice of the Peace, Marshal, Assistant marshal, or Sheriff, or other officer charged with the maintenance of the public peace, who may be liable by neglect of duty as aforesaid, for the recovery of all damages, costs and expenses incurred by said city, and said suits shall not abate or fail by reason of too many or too few parties defendants being named therein, but the same shall to all intents and purposes be treated as actions of trespass brought by the owner of such property. Against whom city may bring suit to recover damages paid in consequence of riot.

Sec. 72. A wooden bridge shall be constructed across the Milwaukee river, from Water street in the first ward to the foot of Cherry street in the second ward of said city, twenty feet wide, and without a draw. The first and third wards of said city shall build the said bridge across the river proper at Water street as aforesaid; and the second and fourth wards shall do the remainder of the work to connect the said bridge with the main land at Cherry street by the first day of March, one thousand eight hundred and fifty-two. And after said bridge so constructed, the bridge over said river at Chesnut and Division streets shall be removed at the joint expense of the said first, second, third and fourth wards in proportion to their taxes. And if the said bridge should not be constructed as above directed, and the bridge at Chesnut and Division streets not removed by the first day of March, one thousand eight hundred and fifty-two, it shall be lawful and the councils of said city are authorised and empowered to build said bridge and remove the said other bridge; and shall assess and collect in the same manner as other city taxes are assessed and collected a special tax upon the taxable property in each of said wards for the amount of the said work, in proportion to the amount thereof herein directed to be done and performed by each ward respectively: Provided, that if any ward shall have done and completed its share of said work, then no such tax shall be assessed upon such ward. Bridge—by whom to be constructed. When Council's may construct and remove bridge. Proviso.

Sec. 73. Until the first day of August next, the bridges across the Milwaukee and Menomonee rivers within said city When bridges to be maintained by city.

shall be kept up and supported by the several wards, according to the laws now in force and the system now in use. After the said first day of August next the said bridges shall be kept up, rebuilt, repaired and tended at the expense of said city.

Bridges to be free and to have draws.

SEC. 74. All the said bridges shall forever be and remain free of toll, and the three lower bridges across the Milwaukee river shall be so constructed with such draws that any water craft navigating said river can pass through the same, and shall be so attended that no unnecessary delay shall be made to the passing of the same. And the said city shall be liable to pay all damages which any water craft may sustain by delay in passing or by unavoidably coming into contact with such bridge in passing or attempting to pass the same.

General penalties for wilful injury extended.

SEC. 75. The general laws for the preservation of bridges and the punishment by such laws provided for wilful and malicious injuries done thereto, are hereby extended to and shall include the said bridges; and shall apply to any wilful or malicious damage which may be done to either of them by any person or persons whatever. And the Mayor of said city shall have and exercise full jurisdiction in administering said laws and also the ordinances that may from time to time be passed for the regulation and preservation of said bridges, and to enforce the penalties prescribed in said laws and ordinances. And in case any damage may be done by any vessel or water craft, or by the master or commanding officer thereof, such vessel or water craft may be proceeded against under the laws provide for the collection of demands against boats and vessels.

Tax for maintenance of bridges—how assessed, &c.

SEC. 76. There shall annually be assessed on the taxable property of said city, a city tax for the maintenance of bridges within the limits of said city, not exceeding in any year one-half of one per cent. upon the valuation of said taxable property, and the said tax shall be assessed and collected and disbursed in the same manner as the other city taxes directed to be assessed, collected and disbursed, and shall be assessed and collected at the same time and by the same collectors as the other city taxes.

Select Aldermen to be the board of health.

SEC. 77. The aldermen or members of the select council shall constitute the board of health of said city; but if at any time any of such aldermen should be unable from any cause to perform said duty, it shall be competent for the councils in convention assembled to appoint some competent person of each ward of such aldermen a member of the board in room of such alderman. The board of health shall at all times be subject and governed by such ordinances, rules and regulations as may be adopted by the councils.

SEC. 78. The said city or any of the wards thereof

have power to lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof in the erection of market houses and other public buildings and for other purposes; and may sell and convey the same at pleasure and the same shall be free from taxation. City and wards may purchase and sell certain real estate.

SEC. 79. The Clerk, Treasurer and other officers of the ity of Milwaukee as now organised shall transfer all the books, apers and moneys which may be in their hands, to the City lerk and Treasurer who may be elected or appointed agreeably to this act. Provided, That the said Treasurer shall continue in the discharge of the duties of his office until the first ay of June next, anything in this act contained to the contrary otwithstanding. And if it should be deemed necessary by the esent common council, the financial committee of the present oard of common council shall audit and adjust the accounts of id Treasurer, and report the same to the councils to be elected in pursuance of this act for their final action. Present officers to transfer papers, &c., to successors. Proviso.

SEC. 80. An Act to incorporate the city of Milwaukee approved January thirty-first, eighteen hundred and forty six, an et relating to bridges in the city of Milwaukee approved February second, eighteen hundred and forty-six; an act relating certain streets in the city of Milwaukee approved February ond, eighteen hundred and forty-six; an act to amend an entitled "an act to incorporate the city of Milwaukee," approved February fourth, eighteen hundred and forty-seven; act to authorise the levy of a special tax in the third ward the city of Milwaukee, approved March eleventh, eighteen ndred and forty-eight; an act to levy a special tax in the ward of the city of Milwaukee, approved March eleventh, nteen hundred and forty-eight; an act additional to an act ncorporate the city of Milwaukee, approved August tenth, nteen hundred and forty-eight; an act amendatory to an entitled "an act to authorise the levy of a special tax in fifth ward of the city of Milwaukee," approved August teenth, eighteen hundred and forty-eight; an act to amend ct entitled "an act to incorporate the city of Malwaukee acts amendatory thereto, approved March twelfth, eighteen lred and forty-nine; and all other acts and parts of acts nsistent with, or superceded by the provisions of this act hereby repealed: Provided, That an act to authorise a al tax in the third ward of the city of Milwaukee, approvebruary ninth, eighteen hundred and fifty, shall continue rce three years from and after the passage of this act. the repeal of said acts and parts of acts shall not in any er affect, injure, or invalidate any contracts, acts, proceedsuits, vested rights, claims, debts, or demands that may Acts repealed. Proviso. Repeal not to invalidate contracts

have been entered into, done, performed, created, perfected, commenced or exists under, or by virtue, or in pursuance, of the said acts or any of them, but the same shall exist and be completed, perfected, enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all laws and parts of laws relating to said city in any manner not here repealed or superceded in which the Mayor or the common council of said city or either are directed or authorised to do any act or pass any ordinance, are here so amended as to authorise and direct the select and common councils of said city to do and perform the same acts and to pass the same ordinances and to carry out the same provisions. And all ordinances, resolutions, regulations, rules, by-laws, and orders of the common council of said city or parts thereof not repealed, suspended, or made void by this act shall continue and remain of the same force and effect as if this act had not been passed until altered, amended, repealed or suspended by the select and common councils in pursuance of this act.

Certain Laws not repealed by this act amended.

Affirmative vote of inhabitants of the city necessary to make act valid.

SEC. 81. This act shall be certified by the Secretary of State, and published in the papers authorised to publish for the State, immediately after its passage, but it shall not become a law until submitted to a vote of the inhabitants of said city, and for this purpose, a special election shall be held in the several wards of said city, at such places as may be designated by the common council, by the aldermen of each ward, or under their direction, in the same manner, and conducted and certified in the same way and under the same penalties as elections are now by law holden and conducted in said city, for city and ward officers, on the first Tuesday of May next, between the hours of said day specified for keeping open elections, and at such special election, the male inhabitants of each ward of said city who are qualified to vote according to the provisions in section three of this act, may vote within their respective ward a printed or written ticket, "For the Charter," or "Against the Charter," and the result of such election, in each and every ward of said city, shall be certified by the said aldermen or persons holding said election in each ward, or a majority of them, to the common council, who shall add up the same; and if a majority of all the votes cast at such election in said city shall be found to be "Against the Charter," this law shall not take effect, and if a majority of all the votes cast at such election shall be found to be "For the Charter," the Mayor shall forthwith issue his proclamation accordingly, and this act shall take effect and be in force from and after the date of such proclamation, and shall be a public act, and shall be construed favorably in all courts and places: Provided, That the present

When Mayor to issue proclamation.

Proviso.

officers and common council of said city shall continue in the discharge of their several duties until the officers and councils be duly elected and qualified, in pursuance of this act.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

An Act to provide for the contingent expenses of the State of Wisconsin for the years 1850 and 1851 **Chap. 315**

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. The sum of one thousand nine hundred twenty-two dollars and eighty-eight cents is hereby appropriated to Nelson Dewey, Governor of this State, out of any money in the treasury not otherwise appropriated, for the purpose of paying the balance of the contingent expenses of the State, expended under his direction, during the year 1850, as reported by him to the legislature on the 24th day of February, 1851, in pursuance of the act of February 9th, 1850, entitled "An Act to provide for paying the contingent expenses of the State for the year one thousand eight hundred and fifty." Appropriation for 1850.

Sec. 2. The sum of four thousand dollars is hereby appropriated to Nelson Dewey, Governor of this State, out of any money in the treasury not otherwise appropriated, for the purpose of defraying the contingent expenses of the State for the year one thousand eight hundred and fifty-one, which sum shall be drawn from time to time as may be required; and the Governor shall communicate to the legislature, at its next session, a detailed account of such expenses for the year 1851, and the amount expended of this appropriation. Appropriation for 1851. Governor to make a statement of expenses.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to appropriate to J. C. Fairchild the sum therein named. **Chap. 316**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Jairus C.

Fairchild six hundred and fifty-one dollars and sixty-one cents, being the balance in full for expenditures in erecting a fire-proof vault for the offices of Secretary of State and Treasurer, as by account duly audited; the same to be paid out of any moneys in the treasury not otherwise appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY

Chap. 317 An Act to appropriate to J. C Fairchild the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That the sum of fifty-seven dollars and eighty cents is hereby appropriated to J. C. Fairchild, to be paid out of any money in the treasury not otherwise appropriated, in full for postage for the office of State Treasurer, for the year eighteen hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 318 An Act further to appropriate money to pay the contingent expenses of the State Superintendent of Public Instruction for the year 1850.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to E. Root, State Superintendent of Public Instruction, the sum of five hundred and eighty-four dollars and seventy-five cents, to be paid out of any money in the state treasury not otherwise appropriated, in full pay and satisfaction for the balance of the contingent expenses of his office for the year 1850, including clerk hire, office rent, express freights, telegraphing and traveling expenses.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to appropriate money for the purpose therein mentioned. **Chap. 319**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To Secretary of State for postage.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, to the Secretary of State, for postage paid from the first day of January to the fourth day of November, eighteen hundred and fifty, the sum of ninety-six dollars and two cents.

To Chauncey Abbett for postage.

SEC. 2. To Chauncey Abbott, Postmaster at Madison, the sum of ninety dollars and eighteen cents for postage of the offices of Secretary of State and State Superintendent from the fourth day of November, eighteen hundred and fifty, to the seventh day of March, eighteen hundred and fifty-one; and such further sum to the Postmaster at Madison, not exceeding three hundred dollars, as may be necessary to pay the postage of the offices of Secretary of State, State Treasurer, and State Superintendent, to be drawn quarterly upon the presentation of postage amounts, properly certified by their respective officers.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15, 1851.
NELSON DEWEY.

An Act to appropriate to Beriah Brown the sum therein named. **Chap. 320**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Beriah Brown, to be paid out of any money in the treasury not otherwise appropriated, the sum of two hundred and twenty-five dollars and thirty cents, in full, for publishing in the *Wisconsin Democrat* proposals for printing proclamation of Governor for special election in Racine county, notice of sale of water power in Milwaukee, general election notice, thanksgiving proclamation, Governor's proclamation for special election in Kenosha county, and for publishing forty-four laws passed at the present session of the legislature, by order of the Secretary of State.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 321 An Act to appropriate to the several persons the several sums therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriations to individuals, viz: to

SECTION 1. That there shall be appropriated to be paid out of the State treasury to the following persons the following sums of money, for the purposes therein named, to wit:

George Hyer, $46,90.

SEC. 2. To George Hyer forty-six dollars and ninety cents for papers furnished the legislature at the present session.

H. A. Wright, $40,80.

SEC. 3. To H. A. Wright forty dollars and eighty cents for papers furnished the legislature at the present session.

E. B. Quiner, $96,00.

SEC. 4. To E. B. Quiner ninety-six dollars for papers furnished the legislature at the present session.

Moritz Shoefler, $15,12.

SEC. 5. To Moritz Shoefler fifteen dollars and twelve cents for papers furnished the legislature at the present session.

John Delany, $91,80.

SEC. 6. To John Delany ninety-one dollars and eighty cents for papers furnished the legislature at the present session.

Eastman & Beesin, $70,84.

SEC. 7. To Eastman & Beesin seventy dollars and eighty-four cents for advertising proposals for printing by order of Secretary of State, and for papers furnished the legislature during the last and present session.

Fratny & Herzberg, $58,68.

SEC. 8. To Fratney & Herzberg fifty-eight dollars and sixty-eight cents, for papers furnished the legislature at the present session.

R. A. Bird, $9, 72

SEC. 9. To R. A. Bird nine dollars and seventy-two cents for papers furnished the legislature at its present session.

G. W. Bliss, $9, 60.

SEC. 10. To George W. Bliss nine dollars and sixty cents for papers furnished the legislature at its present session.

C. H. McLaughlin, $48,88.

SEC. 11. To C. H. McLaughlin forty-eight dollars and eighty-eight cents for papers furnished the legislature at its present session.

Lucas Seaver, $55,25.

SEC. 12. To Lucas Seaver fifty-five dollars and twenty-five cents for papers furnished the legislature at the present session, and for publishing in the Milwaukee Commercial Advertiser proposals for printing, publishing sale of State Interest in Rock River and Milwaukee Canal, of Interest due upon Canal Land Mortgages, and for publishing law in relation to Insurance Companies, by order of the Secretary of State.

Beriah Brown, $951,95.

SEC. 13. To Beriah Brown nine hundred and fifty-one dollars and ninety-five cents for papers furnished the legislature at its present session.

J C Bunner & Co, $46,44.

SEC. 14. To J. C. Bunner & Co., forty-six dollars and forty-four cents for papers furnished the legislature at its present session.

Knud Langland, $3

SEC. 15. To Knud Langland three dollars for papers furnished the legislature at its present session.

SEC. 16. To T. A. Butterfield & Co, seventy-five dollars and thirty-six cents, for papers furnished the legislature at its last and present session. T. A. Butterfield, & Co., $75, 36.

SEC. 17. To S. P. Rounds & Co. ninety-two dollars and eighty-eight cents, for papers furnished the legislature at its present session. S. P. Rounds & Co., $95,88.

SEC. 18. To E. R. Utter fifty-one dollars, for papers furnished the legislature at its present session. E. R. Utter, $51.

SEC. 19. To Tenny, Smith, Holt & Co. four hundred and twenty-four dollars and thirty-eight cents, for papers furnished the legislature at its present session. Tenny, Smith, Holt & Co., $424,38.

SEC. 20. To Atwood & Buck five hundred and six dollars and seventy-five cents, for papers furnished the legislature at its present session. Atwood & Buck $506,75.

SEC. 21. To Cooley & Wells fifteen dollars, for papers furnished the legislature at its present session. Cooley & Wells, $15,00.

SEC. 22. To W. W. Wyman & Sons three hundred and one dollars and sixty cents, for papers furnished the legislature at its present session. W. W. Wyman & Sons, $301,60.

SEC. 23. To Wm. E. Cramer one hundred and seven dollars and fifty-eight cents, for papers furnished the legislature at its present session. Wm. E. Cramer, $107,58

SEC. 24. To S. M. Booth the sum of two hundred and ninety-six dollars and sixty-four cents, for papers furnished the present legislature. S. M. Booth, $296,64.

SEC. 25. To C. Latham Sholes the sum of forty-six dollars, for papers furnished the present legislature. C. L. Sholes, $46,00.

SEC. 26. To Brown & Crabb thirty-five dollars, for papers furnished the legislature at its present session. Brown & Crabb $35,00.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY.

An Act to appropriate to James Heepin the sum therein named. **Chap. 322**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to James Heepin, to be paid out of any money in the treasury not otherwise appropriated, the sum of one hundred and eighty-two dollars, in

full, for services in and about the capital and State offices, and for paste furnished during the present session of the legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 323

An Act to appropriate to Matthew Woods the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Matthew Woods, to be paid out of any money in the treasury not otherwise appropriated, the sum of one hundred and seventy-two dollars and fifty cents, in full, for his services as Librarian during the present session of the legislature.

FREDERICK W. HORN,
Speaker of the Assembly,
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 324

An Act to incorporate the North-Western Art Union.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Incorporation. SECTION 1. That John H. Tweedy, Rufus King, Increase A. Lapham, Paraclete Potter, Benjamin H. Boynton, William E. Cramer, George H. Walker, Oliver G. Hillard, Leonard J. Farwell, John Huestis, Jeremiah B. Selby, Jr., William R. Watson, John K. Bartlett, Philetus C. Hale, Charles H. Williams, Lucas Seaver, and such other persons as now are, or may hereafter from time to time become associated with them, are hereby constituted a body corporate, by the name of the "North-Western Art Union," for the purposes of promoting the fine arts.

Election of Committee of Management—how made. SEC. 2. The business of said corporation shall be conducted by a committee of management, to consist of fifteen members who are not professional artists, who shall be chosen at the annual meetings of the association, as follows: At the first meeting to be held pursuant to public notice by a majority of the persons above named; there shall be chosen fifteen members of such committee, who shall be divided by lot into three

equal classes; and the first class shall hold until the next annual election, the second class until the second annual election, and the third class until the third annual election; and thereafter five shall be chosen annually to hold for three years and until others are chosen to fill their places. The committee of management shall have power to make from time to time such a constitution, by-laws and regulations as they shall judge proper, for the election of officers, for prescribing their respective functions, and the mode of discharging the same; for the admission of new members into the association; for the government of such officers and members thereof; for regulating the annual rate of contributions to the funds thereof; for appointing the times and places of meeting of said association, and of the committee of management; and for suspending and expelling such officers and members as shall neglect or refuse to comply with the constitution, by-laws and regulations. Specific Powers of Committee.

Sec. 3. The officers of said association shall be a President, a Corresponding Secretary, a Recording Secretary, and a Treasurer, who shall be chosen by and from the committee of management annually, and such other officers and agents as the committee of management may see fit to appoint or employ; and in case a vacancy in the list of officers or committee of management shall take place between the annual meetings, the same may be filled by the committee of management at any regular meeting of said committee, and the person or persons so chosen shall continue in office until the next annual election, or until others are chosen to fill their places. Officers chosen from committee

Sec. 4. Said corporation shall have power to hold and sell real and personal estate, but the whole annual increase of such real estate shall not exceed ten thousand dollars. Corporation may hold and sell real estate.

Sec. 5. The said corporation shall have and possess the general powers, and be subject to the restrictions and liabilities prescribed in chapter fifteen of the revised statutes of this State. Powers restricted, &c.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act authorizing George Stevens and others to improve the Little Bull Falls on the Wisconsin River and repeal an act approved February ninth, eighteen hundred and fifty. Chap. 325

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That George Stevens, Walter P. McIndoe,

Who may maintain canal.

Charles Shuter and Chester D. Stevens, and their associates and assigns be and the said persons are hereby authorised and empowered to excavate, make, keep up and maintain an artificial channel or canal on and through the island, lying between the main channel of the Wisconsin River at Little Bull Falls and the slough or channel on which the mill of John L. Morse now stands.

Dams, Slides, &c.—who may build.

SEC. 2. That for this purpose the said George Stevens, Walter P. McIndoe, Charles Shuter and Chester D. Stevens, their associates and assigns be and they are hereby vested with full power to build dams and slides, and to erect locks, and lock gates at such places as shall in their discretion be suitable and necessary for the purposes aforesaid. Provided: That the said dams, slides, locks and lock gates in this section mentioned, shall be erected in such manner as shall be no injury to, or interfere with the navigation of the natural channel or channels of the said river which shall at all times be left free for all persons choosing to use the same, and provided further, that such channel and improvements be completed in three years from the passage of this act.

Proviso

When Canal to be completed.

Grant of right of way.

SEC. 3. That for the purpose aforesaid, the said parties be, and they are hereby allowed and empowered to enter upon and use the right of way across said islands, and every other island adjacent to the same, under the provisions of this act: Provided, That no more of the said island or islands than shall be necessary for the purposes aforesaid, shall be occupied by the said parties, and provided further that the said parties shall before entering upon said island or islands for the purpose of commencing said excavation and improvements, make such compensation to the owner or owners of the same, as shall be agreed upon by the parties in interest; and provided further, that if the said parties in interest shall not agree upon the amount of such compensation, then it shall be lawful for either party to apply to the circuit court of the proper county, which said court on being satisfied that three days' previous notice has been given by said applicant to the opposite party of such application, said court shall appoint three disinterested free-holders as commissioners, who shall in view of the premises or otherwise, assess the damages accruing to the said owner or owners in consideration of the said entering upon and using the right of way over and upon the said island or islands, and in consequence of the erection of the said works and improvements, the amount of which said assessment shall be paid or tendered to be paid before any entry shall be made upon the said island or islands for the purposes aforesaid.

Proviso.

When Court may appoint Commissioners to assess damages.

Tender of payment prior to entry.

SEC. 4. That so soon as the said channel or channels shall

be completed and ready for use, the said grantees shall have the right to demand from all persons passing the same, such reasonable toll as they may determine upon, subject to such alteration as the legislature of this state may from time to time provide. Grantees may fix rates of Toll.

Sec. 5. That an act entitled "an act to incorporate the Upper Wisconsin Navigation Improvement Company," approved February ninth, eighteen hundred and fifty is hereby repealed. Repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15, 1851.
NELSON DEWEY.

An Act to authorise Henry J Elliot and his associates to build and maintain a bridge across Fox river at Delhi, in the county of Winnebago. **Chap. 326**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Henry J. Elliot, his associates and assigns, shall have power to build and maintain a bridge across Fox river, on any land owned by them, at Delhi, on section twenty-three, in town eighteen of range fourteen, at the foot of Harriet street, in the village of Delhi. Who may build bridge.

Sec. 2. Said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the channel of the river, not less than fifty feet wide, which shall be opened at all times for the passage of boats, rafts, or other craft, free of charge, and without unnecessary delay. Draw to be free.

Sec. 3. Said bridge shall be commenced within one year, and completed within three years. Time of construction.

Sec. 4. The legislature may at any time amend or repeal his act. Reservation.

Sec. 5. The said grantees shall, after the completion of said bridge, have power to demand and collect tolls for passing over the same, as follows: for any vehicle drawn by one horse, ten cents; for any vehicle drawn by two horses or oxen, twenty cents; and for each additional horse, five cents; for foot passengers, three cents; for all animals in droves, three cents each: Provided, that hogs and sheep shall not be charged more than at the rate of two cents per head. Rates of toll.

Sec. 6. There shall be kept posted up, in some conspicuous place on said bridge, the rates of toll allowed by this act. Rates to be posted up.

SEC. 7. This act shall be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 327 An Act supplementary to an Act entitled "An Act to authorise the assessment and collection of taxes in the city of Milwaukee," approved January 24th, 1851.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Council may extend time for collecting taxes

SECTION 1. The Common Council of the city of Milwaukee shall have power to extend the time for the collection of the taxes and the tax sale authorised by "An Act to authorise the assessment and collection of taxes in the city of Milwaukee," approved January 24, 1851; said extension of time not to exceed two weeks.

Secretary of State to publish act.

SEC. 2. It shall be the duty of the Secretary of State to cause this act to be published by the public printer, immediately after its passage, and the same shall be in force from and after its publication.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 15th, 1851.
NELSON DEWEY.

Chap. 328 An Act for the relief of those persons commonly called Seventh Day Baptists, and others who keep the seventh day of the week as a day of rest.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Proviso for continuance of cause on certain conditions

SECTION 1. Whenever civil process shall be issued by any Justice of the Peace against any person who habitually observes and keeps the seventh day of the week instead of the first as a day of rest, and such process shall be made returnable on the seventh day of the week, known as Saturday, such defendant shall be entitled to have the cause continued to the (Monday) following Monday, [at the] same time by filing with such Justice, one day before the return of the writ, an affidavit in writing stating that he or she (as the case may be), habitually keeps and observes the seventh day of the week instead of the first as a day of rest; and such defendant shall be entitled to all his rights, on such adjournment day of the same, as if it were the

return day of such writ: Provided, that the costs of such continuance shall be paid by the plaintiff in such suit.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to incorporate the Portage Bridge Company. Chap. 329

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Name and powers of corporation.

SECTION 1. That Jerid Walsworth, Silas Walsworth, Hugh McFarlane, Charles H. Moore, William Armstrong, and such other persons as shall associate with them, be and they are hereby incorporated by the name and style of "The Portage Bridge Company;" and by such name may sue and be sued, plead and be impleaded in any Court in this State; and may have a common seal, and may change the same at pleasure.

Comm[illegible] to open subscription book.

SEC. 2. Jerid Walsworth, Hugh McFarlane, and Charles H. Moore, or any two of them, are hereby appointed commissioners to receive subscriptions to the capital stock, and shall open a book of subscription at the house of Charles H. Moore in Portage city, Columbia county, on the first Monday in April, A. D. one thousand eight hundred and fifty-one, which book shall be kept open for three days.

Amount of capital stock.

SEC. 3. The capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of ten dollars each: Provided, said company shall have power to increase the capital stock to any amount not exceeding fifty thousand dollars.

Proviso.

Location of bridge.

SEC. 4. The said company shall have power to build and construct a bridge across the Wisconsin river, on section seven (7), town twelve (12), north of range nine (9), east of fourth principal meridian in the town of Fort Winnebago.

Bridge and draw, how constructed and completed.

SEC. 5. The said bridge shall not be less than twenty feet wide, and shall have a draw of at least fifty feet across the channel of the river, to admit the free passage of rafts and vessels, and shall be constructed with a double track for wagons, and a single track for foot passengers; and shall have a good substantial railing on both sides, and shall not be less than fifty feet span over the channel, and shall be commenced within two years, and shall be completed within six years.

Rates of toll

SEC. 6. The said company shall have power, for the term thirty years after the completion of the bridge, to demand and collect toll for passing the same, as follows: for any vehi-

ole drawn by one horse, fifteen cents; and for each additional horse or ox, five cents; for foot passengers, three cents; for a single horse, five cents; for all animals in droves of less than fifty head, two cents each; and for all over fifty head, one cent each: Provided, that hogs and sheep shall not be charged more than one cent per head.

Toll list to be posted up.

SEC. 7. Said company shall keep posted up, in some conspicuous place on said bridge, a list of the rates of toll allowed by this act.

Company may make by-laws.

SEC. 8. Said company shall have power to make all by-laws for the regulation of the affairs of the said company, not repugnant to the laws of the United States and of this State.

Reservation.

SEC. 9. Any future legislature may alter or amend this act.

SEC. 10. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 330 An Act to extend the time for the collection and return of Taxes in the town of Willow Springs, in the County of Lafayette.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Treasurer to collect unpaid taxes.

SECTION 1. The Treasurer of the town of Willow Springs, in the county of Lafayette, is authorised to receive from the county Treasurer the warrant and tax-list of the said town for the year one thousand eight hundred and fifty, and to proceed to the collection of all taxes due and unpaid on said tax-list, according to law.

Return—when made.

SEC. 2. Said Treasurer shall make return of the warrant to the county Treasurer according to the provisions of law, within thirty days after [the] time he shall receive the same; and the county Treasurer shall proceed to sell the lands for delinquent taxes in the manner now provided by law, after due notice as provided for the sale of lands for taxes.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to incorporate the Sheboygan and Calumet Plank Road Company. **Chap. 331**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to receive subscriptions.

SECTION 1. Warren Smith, Henry L. Anable, Ames Adams, E. Fox Cook, A. P. Lyman, Charles E. Morris, —— Ellis, Charles Greening, William Poulson, William Fowler, Alonzo D. Dick, and James Cramond, be, and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Sheboygan and Calumet Plank Road Company, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said Company, first giving thirty days notice of the times and places of receiving subscriptions by publishing in a newspaper printed either in Sheboygan or Calumet county.

Incorporation.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, with continued succession, by the name and style of the Sheboygan and Calumet Plank Road Company, for the purpose of constructing a plank road from the village of Sheboygan, in the county of Sheboygan, to a point on Lake Winnebano, in the town of Manchester, Calumet county, where the Plymouth and Manchester state road terminates, which company shall have power to sue and be sued in all courts, to receive by gifts or purchase, and hold all such real and personal estate as may be necessary for the construction and management of said road, to have and use a common seal, and pass all by-laws necessary for the government of said company.

Corporate Powers.

Shares of stock transferable.

SEC. 3. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company.

Commissioners to give notice of election of directors.

SEC. 4. Whenever ten thousand dollars of the capital stock shall be subscribed for and distributed, and ten per cent. paid thereon to said commissioners for the use of said company, it shall be the duty of the commissioners named in this act, to call a meeting of the stockholders at such time and place as they shall designate, by giving public notice thereof in a newspaper published in either county, through which said road is to, for the purpose of choosing five directors of said company, and the persons there chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead. The board of directors shall chose one of their number as President of the company, who shall hold his office for one year, and until his successor is elect-

ed. At every election of said company each stockholder shall
Stock to vote. be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

Company may locate and construct road. SEC. 5. The company, when so organised, shall have the right to locate and construct a single or double track plank road between the points mentioned in section [two] of this act, or any part of the distance, and may connect the same with any plank or other road. The track of said road shall be constructed of timber and plank, stone, or partly of each, so as to have a hard, smooth, and even surface. The particular manner of building said road to be determined by the said board of directors.

When highways may be used. SEC. 6. The location of the route of said road shall be determined by the board of directors of said company; and if the same be located on any public highway, they shall have power to contract with the proper authorities of the town in which said road may be, for the right to use said highway for the purpose of said road; and the said proper authorities are hereby authorised to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon.

Condition of Charter. SEC. 7. If said company shall not, within five years from the passage of this act, commence the construction of said road, then, and in that case, it shall be considered a violation of their charter, and all the rights, privileges and powers of said company under this act may be resumed by the State of Wisconsin, and such disposition made with regard to any portion of said road which may have been constructed, as the Legislature thereof may deem meet and proper, consistent with law and justice.

Appropriation of lands—when lawful. SEC. 8. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden without the consent of the owner thereof, nor through any buildings, or any fixtures for the purposes of trade or manufactures, or any yard or enclosures necessary to the use and enjoyment thereof, without permission of the owners. And when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at all time, to enter upon, take possession of, and use such lands the width of four rods, and also to take from any lands adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road; subject, however, to the payment of such compensation as the company may have agreed

Compensation to be made.

to pay therefor, or shall be ascertained as in the manner hereinafter directed and provided in the case of lands.

Parties may appoint appraisers

Sec. 9. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for injury that may be done to such land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company; but if the parties cannot agree upon such persons, or if the persons so chosen cannot decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose, upon him made, or if such owner shall be under legal disability, or out of the State, then it shall be lawful for the Judge of the circuit court of the county in which such land lies, on application of either party, and at the costs and charges of said company, to appoint three disinterested persons of the said county to view and examine said lands, and to estimate the injury or damage, if any, in their judgment, will be sustained as aforesaid, by reason of the location and construction of said road, and report the same under oath or affirmation to the circuit court of said county, which report being confirmed by said court, judgment shall be entered therefor. The said viewers shall be entitled to two dollars per day each for their service, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: Provided, that in case the owner of such land be under any legal disability, the costs of such assessment shall be paid by said company; and it shall be the duty of the appraisers estimating such damages, to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road. Provided, further, that either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issue arising in said court. And provided, also, that upon payment of the sum specified in the report of said viewers or appraisers to the owners of said land, or a deposite of the same for their benefit with the clerk of the cir-

Company to pay expenses.

When Judge of Circuit Court may appoint appraisers.

Judgment rendered on report.

Compensation of viewers.

When costs paid by owners.

Proviso.

Appeals to be tried as other issues.

cuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

Directors to decide manner of payment for stock.

SEC. 10. The directors of said company may appoint a Secretary, Treasurer, and such other officers as they may deem necessary, and shall have power to decide the time and manner and proportions in which stockholders shall pay money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person or persons failing to pay any instalment so required to be paid, after advertisement of the same for a period not less than sixty days, in a newspaper as herein provided: Provided, that no instalment called in at any one time shall exceed five dollars per share, and no instalment shall be called in by the directors without giving at least thirty days notice thereof in a newspaper as aforesaid.

Proviso.

Certificates subject to payment due or to become due.

SEC. 11. The directors, elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they shall subscribe for, or hold in the said company, signed by the President and countersigned by the Secretary, and sealed with the common seal; subject, however, to all payments due and to become due thereon, which stock may be transferrable in person, or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided in the by-laws of the company.

Special meetings how called

SEC. 12. At every annual meeting of the stockholders, for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of said company for such year; and special meetings of the stockholders may be called by the directors, or by any member of the stockholders holding one-fourth in amount of capital stock of said company, on like notices as required for annual meetings, but no business shall be transacted at such special meetings unless a majority in value of the stock shall be then and there represented.

Rates of toll.

SEC. 13. On the completion of said road, or any portion of the track, not less than five miles, the company may erect one or more toll gates upon their road, but not at a less distance than three miles apart; and may demand and receive such toll as from time to time they may think reasonable, not exceeding two cents per mile for any vehicle drawn by one or two animals, one cent for every additional animal; for every horse and rider or led horse, one cent per mile; for every score of sheep or swine, one cent per mile; and for every score of neat cattle two cents per mile.

Penalty for wilful damage.

SEC. 14. If any person shall wilfully and knowingly destruct, break, or injure, or destroy the road so constructed by said company, or any part thereof, or any work or fixtures

tached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence be liable to a civil suit for the recovery of damages by said company, in a Court having competent jurisdiction in the county.

Property subject to execution.

Sec. 15. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, that all debts due said company from such individuals shall be first paid.

Proviso.

When directors individually liable.

Sec. 16. The debts and liabilities of said corporation shall not exceed in amount at any time fifty per cent. of its capital already paid in; and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law, as provided for in this act.

Capital stock, how increased.

Sec. 17. The directors of said company may at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company as may be necessary to complete said road.

Reservation.

Sec. 18. If said company shall abuse the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company, in relation to said road, and the use of the same.

When company liable.

Sec. 19. That said company shall be liable for all injury or damage which any person may receive in his person or property, by reason of the said road being out of repair, or any defect in said road.

Amendments.

Sec. 20. This act may be altered or amended by any future legislature of the State of Wisconsin.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to provide for levying a State tax.

Chap. 332

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be levied and collected for the

Ratio of tax. year eighteen hundred and fifty-one, in each county of this State, a State tax of three mills on the dollar valuation, to be levied, collected and paid into the State treasury, as is provided by the revised statutes of this State.

Supervisors to levy tax. SEC. 2. The supervisors of their respective counties are hereby required to levy the foregoing tax upon the taxable property in their several counties, according to the provisions of the revised statutes of this State for the assessment and collection of taxes.

Governor may borrow money to build prison. SEC. 3. The Governor of this State is hereby authorised to borrow on the faith of the State, from the school fund, at such time or times as he shall deem expedient, such sum or sums of money, not exceeding in the aggregate the sum of five thousand dollars, as in his opinion will be required for the erection of a State prison.

Provision for payment of loan SEC. 4. The first monies realised from the tax herein provided for, shall be applied for the payment of the principal, and the interest of said loan shall be paid out of any money in the treasury not otherwise appropriated.

Secretary to publish act. SEC. 5. The Secretary of State is hereby required, immediately after the passage of this act, to cause the same to be published by the State printer, in a newspaper printed at the seat of government, and transmit to each clerk of the board of supervisors of the several counties of this State, a copy of the newspaper containing this act.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 333. An Act to amend an act entitled "an act to authorise Clouder Stoughton and Lulu Stoughton to build and maintain a dam across Rock river, and also to authorise Anson W Pope and Virgil Pope to build and maintain a dam across said stream, approved April 7th, 1843.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Repealed. SECTION 1. Section two and section four of said act are hereby repealed.

Height of dam. SEC. 2. The following is hereby substituted for said section two: Said dam shall not be raised more than six feet above the ordinary heighth of water in said stream, and as soon as Rock river shall be improved and rendered navigable to said dam, the owner of said dam shall construct a suitable and convenient lock not less than one hundred and twenty feet long

between the gates, and not less than twenty-four feet wide in the clear of the chamber, for the passage of boats, barges and other water craft, where said river shall be improved; and the proprietors of said dam shall maintain said lock, and shall attend the passage of all boats, barges and water crafts through said lock, free of all charge to the owner thereof. When owners to provide a lock.

SEC. 3. This act shall not be construed to authorise the said owners or any other person who may erect or maintain the said dam, to flow any lands not owned by the proprietor or proprietors of said dam without the consent of the owner or owners thereof, or to raise the water of said river to the injury of mills now erected above the said dam, or in any wise to affect the rights of any individual who may have commenced the improvement of any water power. Qualifying clause.

SEC. 4. This act shall not be construed to authorise the said proprietors, or any other person who may erect or maintain the said dam, to raise the water of Lake Koskonang to the injury of mills now erected above said lake, or in anywise to affect the rights of any person claiming an interest in any water power on Rock river; or to flow any lands adjoining said lake. Qualifying clause.

FREDERICK W. HORN,
Speaker of the Assembly,
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to prohibit the appointment of County agents, and for other purposes

Chap. 334

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The boards of supervisors of the several counties in this State are hereby prohibited from appointing any person to act as agent to sell the real estate of the said counties, or to assign the tax certificates belonging to such counties, or to transact any other business for such counties which may be legally done by any county officer. But in all cases, the property of the several counties shall be held by the clerks of the boards of supervisors of such counties, in the name of the county, and shall be disposed of by the clerks under the direction of the several county boards, and all appointments heretofore made of such agents shall cease and be of no effect from and after the publication of this act. County property to be held by clerks of board of supervisors.

SEC. 2. Immediately after the publication of this act, the persons holding the office of county agents by virtue of appoint-

ments from the county boards of supervisors, shall deliver, on oath, to the clerks of the boards of supervisors of their respective counties, all books, papers, documents, records, monies and property in their hands belonging to the said counties, and the several clerks of the boards of supervisors are hereby required to receive the same, and to perform all acts which such county agents are authorised to perform, and all acts done by any clerk of the board of supervisors by virtue hereof, shall have the same validity and effect as though performed by the county agent.

County agents to deliver papers, &c. to clerks.

SEC. 3. Any person holding the said office of county agent who shall violate the provisions of this next preceding section, shall forfeit and pay to the county Treasurer of the proper county, for the use of the county, ten dollars per day for every day he shall hold any of the county property contrary to the provisions of this act, the same to be recovered in an action of debt, to be brought by the county Treasurer and in his name.

Penalty for violation of preceding section.

SEC. 4. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

Acts repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15, 1851.
NELSON DEWEY.

Chap. 335

An Act to declare a certain street a public highway.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the street laid out and established by the town supervisors of the town of Madison, in the county of Dane and State of Wisconsin, on the twenty-first day of July, in the year of our Lord one thousand eight hundred and forty-nine, beginning in the centre of King street in the village of Madison, in the county aforesaid, at a point where Wilson and Butler streets intersect the same, running to forty-five degrees east, in a line of Wilson to the centre of Blair street, fifty-five rods, two links; thence down Blair street to Williamson street, thence in Williamson street to Catfish river, be and the same is thereby declared to be a public highway, and may be opened

Street.

and worked by the proper authorities of the said town of Madison.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to incorporate the Wilmot Academy.

Chap. 336

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name of corporation.

SECTION 1. That Archibald McIntyre, Ephraim Wilcox, E. P. Barker, Simeon Lovett, S. P. Ladow, J. M. Wilber, H. Deedmick, A. W. Benham, George U. Carpenter, J. Bacon and R. S. Moth and their associates, together with such persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, with perpetual succession, by the name and title of the Wilmot Academy, by which name they and their successors shall be forever known, and shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity. Said corporation may have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property real and personal, and the same to sell and convey, rent or otherwise lawfully dispose of at pleasure.

Corporate powers.

Shares of stock transferable.

SEC. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as shall be directed by the by laws of said corporation.

Who may call meetings on notice.

SEC. 3. Any five of the above named persons shall have power to call a meeting of said association, by giving ten days' notice thereof by posting up notices in at least three of the most public places in the village of Wilmot in the county of Kenosha, State of Wisconsin, and by serving a written notice upon the members of said corporation not resident in said village of Wilmot, or leaving said notice at their usual place of residence.

Trustees how elected.

SEC. 4. At such first legally notified meeting, the stockholders shall have power to elect by ballot fifteen trustees, five of whom shall be elected for one year, five for two years, and five for three years; and after the first election five trustees shall be elected annually: Provided, that all trustees shall hold their office until others are elected in their place.

Proviso.

Stock to vote.

SEC. 5. At all elections and meetings of the company each stockholder shall be entitled to one vote for each share of stock owned by him.

Stockholders may pass orders

SEC. 6. The stockholders may, at any annual or special meeting, pass such orders in relation to the concerns of said corporation, not inconsistent with the constitution and laws of this State, as they may deem proper.

General and specific powers of trustees.

SEC. 7. The trustees shall have power—first, to elect from their number a President, Secretary and Treasurer, who shall hold their offices for one year and until their successors are chosen; also, to elect all other officers of the corporation. Secondly, to call special meetings of the stockholders to fill vacancies in the board of trustees. Thirdly, to sell, lease, mortgage or otherwise dispose of any real or personal property of said corporation in such manner as shall be directed by the stockholders; also, to erect and keep in repair all necessary buildings for the use of said corporation. Fourthly, to employ suitable teachers and prescribe and direct the course of study and discipline to be observed in said academy. Fifthly, to prescribe the duties and fix the salaries of all the officers of said corporation, and remove or suspend them from office for incapacity, immoral conduct or misbehavior in office, and to appoint others in their places. Sixthly, to make all rules, regulations and by laws necessary or proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State.

Religious tests not to be required.

SEC. 8. No religious test or qualification shall be required of any trustee or officer of said corporation, nor of any student of said institution.

SEC. 9. This act may be altered or amended by any future legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 337

An Act to provide for laying out a State road from Prairie du Lac in Sauk county Prairie du Chien in Crawford county.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Commissioners appointed to lay out road.

SECTION 1. That Cyrus Leland, Oliver Crane and James Cass be, and are hereby appointed commissioners to lay out a State road from Prairie du Lac in the county of Sauk, on the best and most practicable route on the north side of Wisconsin river, to intersect the Prairie du Chien road, on section

Route.

hirty-six, in township nine, north of range two east, in Richland ounty.

SEC. 2. The commissioners shall be entitled to such com- Supervisors may fix compensation. ensation for their services, from the counties through which he road passes, as the supervisors of said counties shall deem ist: Provided, the State shall be at no expense for the same. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

An Act to authorize the laying out of a State Road therein named.

Chap. 338

The People of the State of Wisconsin represented in Senate nd Assembly, do enact as follows:

SECTION 1. That Horace Duryee, C. B. Strong, and M. Commissioners appointed to lay out Road. I. Maughs, be, and they are hereby appointed commissioners) lay out and establish a state road, commencing at the village f Norris, and running by the most direct and feasible route to Route. trong's Tavern, thence to Maughs' Mill. and thence to Prairie a Cross, on the Mississippi river, in La Cross county.

SEC. 2. Horace Duryee, Jacob Rogers, and Thomas Wes- Commissioners appointed to lay out Road. rn, are hereby appointed commissioners, and are hereby au- torised to lay out and establish a state road, commencing at dams, in Sauk county, and thence running on the most feasi- Route. le route through the village of Norris, thence by Carpenter id Rogers' Mill on the Lemmonware river, thence by Western Co.'s Mill on the Yellow river, and terminating at Grand apids on the Wisconsin river in Portage county.

SEC. 3. The said commissioners shall receive for the laying Supervisors may determine compensation. it of said roads such compensation as the supervisors of the veral counties through which the road runs may determine. rovided, that no money in the state tressury shall be appro- Proviso. riated therefor.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 339 An Act to change the name of the Village of Norris in the county of Sauk.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the village of Norris, in the county of Sauk is hereby changed to Delton, by which name it shall hereafter be known in all places whatsoever.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 340 An Act to amend an Act entitled "An Act to incorporate the Southport and Beloit Road Company," approved March 6th, 1848.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Company may build a branch road.

SECTION 1. The company organised under the provisions of the act to which this is amendatory thereto, approved March 31st, 1849, are hereby authorised and empowered to build a branch road from some point west of Fox river, in the village of Wilmot, in the county of Kenosha; and for that purpose shall possess the same power and authority, and be subject to the same liabilities as is provided in the act to which this act is amendatory; and when said branch road shall be built, shall be entitled to erect gates and receive tolls in the same manner and at like rates as now allowed on that portion of the road already completed.

Company may build a branch road.

SEC. 2. The said company is also authorised and empowered to build and construct a branch road from some point on the line of the road already established, to the village of Lyndale, in the county of Walworth, and to the villages of Elkhorn and Delavan in said county, or any one or more of said villages, on the most practicable route thereto; and for that purpose shall possess the same power and authority, and be subject to the same liabilities as is given and provided in the act to which this act is amendatory.

Route.

Company to conform to general statues.

SEC. 3. The said company are hereby subjected to all the regulations, restrictions and liabilities contained in chapter fifty of the revised statues, entitled, "of the incorporation of Plank and Turnpike Road Companies.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851. NELSON DEWEY.

An Act to legalise certain roads therein named.

Chap. 341

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The main traveled public road as it now runs, leading from Mineral Point, in the county of Iowa, by way of Cottage Inn and Elk Grove, in the county of La Fayette, Twelve Mile House, and Hazle Green, in the county of Grant, to the State line, be and the same is hereby declared to be a State road. Declared legal.

Sec. 2. The main traveled public road leading from Cottage Inn, by Bellmont, in the county of La Fayette, to Platville, in the county of Grant, be and the same is hereby declared to be a State road. Declared legal.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President of the Senate, pro tempore.

Approved March 15th, 1851.
NELSON DEWEY.

An Act to authorise a ferry across the Wisconsin River.

Chap. 342

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. Robert G. Hurst, Evered H. Erwin, their heirs, executors, administrators and assigns shall have the exclusive right and privilege for the period of ten years of keeping and maintaining a ferry across the Wisconsin River from fraction number three in section number three, in township number eight, north of range number two east, in Richland county and near the mouth of Bear Creek to a point opposite on the south side of said river in Iowa county. Who may maintain a Ferry. Location.

Sec. 2. The said ferry shall be subject to the same rules and regulations as to the rates of toll and the manner of conducting the same as ferries now are or may hereafter be by general law of this State regulating ferries generally. Ferry subject to general laws, &c.

Sec. 3. That the said Robert G. Hurst and Evered H. Erwin shall be required to keep and maintain at all times a ferry adapted to the wants of the public. Specific Requisition.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 343 An Act to legalize the Acts of the officers of School District No. 1, in the town of Springfield, Dane County.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Declared legal. SECTION 1. The acts of the officers of school district number one in the town of Springfield, Dane county, for the years A. D. eighteen hundred and forty-nine and eighteen hundred and fifty, are hereby declared legal, and the several acts of the Trustees and other officers of said district shall not be deemed invalid in consequence of any informality or defect in the election of said officers.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 344 An Act to repeal a part of an act entitled "An Act to incorporate the Wisconsin Bridge Company."

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Act Amended. SECTION 1. That so much of the fourth section of an act entitled "an Act to incorporate the Wisconsin Bridge Company," approved March second, eighteen hundred and forty-nine, be amended so as to read as follows. to wit: "And no other bridge shall be constructed over said stream within two and a half miles of said bridge for the term of three years after the passage of this act."

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 345 An Act to provide for laying out a State road from Franklin in the county of Iowa to intersect the State road at or near Round Prairie in the county of Sauk Ane.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out road. SECTION 1. That Jesse Chapman, James D. Gay and Ezekiel Tainter are hereby appointed commissioners to lay out and establish a State road from the village of Franklin in Iowa county by the way of Chapman's mill on Blue River, Prairie

Route.

Du Bay on the Wisconsin River, Lewis Wayne's mill on Richland Creek, Gay's mill on Kickapoo River, to intersect the State road at or near Round Prairie in the county of Bad Axe.

SEC. 2. The commissioners appointed under the provisions of this act shall meet at such time and place as they shall agree upon, and upon the performance of the work be entitled to receive such compensation for their services as the Supervisors of the counties through which the road shall pass, shall allow to be paid out of the county treasury: Provided, That no part of the expense of laying out said road shall be paid out of the State treasury. Supervisors may fix compensation. Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

An Act extending the time of payment of the interest on Mortgages for the loan of School Money. Chap. 346

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the payment of the interest on mortgages heretofore executed for the loan of school money is hereby postponed until the first day of January, eighteen hundred and fifty-two, at which time or within thirty days thereafter, the interest on such mortgages shall be due and payable. Time of payment of Interest extended.

SEC. 2. The interest on mortgages hereafter taken for the loan of school money shall be computed from the date of such mortgages to the first day of January next thereafter and shall be payable in advance. Interest payable in advance—how computed &c.

SEC. 3. The interest on all mortgages for the loan of school money, except as mentioned in the two first sections of this act shall be computed from the first day of January to the first day of January of each year, and shall be due and payable on the first day of January, or within thirty days thereafter, for one year in advance. Interest payable in advance—how computed &c.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 347 An Act to incorporate the Manitowoc and Mississippi Rail Road Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That George Reed, Hiram McAllister, Peleg Glover, Gustavus Richter and Charles E. Glinger of Manitowoc county, and Charles Doty, Curtis Reed and Joseph Keyes of Winnebago and Theodore Conkey, James Hanchett and Orson Clark of Outagamie county, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Manitowoc and Mississippi Rail Road Company hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving sixty days notice of the times and places of taking said subscriptions, by publishing the same weekly in two public newspapers printed in the counties of Manitowoc and Winnebago.

Commissioners appointed to receive subscriptions to stock.

SEC. 2. The capital [stock] of said company shall be one million and five hundred thousand dollars, in shares of one hundred dollars each; and as soon as two thousand shares of stock shall be subscribed and five dollars on a share actually paid in, and a statement shall be deposited with the Secretary of State, authenticated by the oath of the Secretary of the board, and two or more of said commissioners, that such subscriptions and payments have been in good faith made, the subscribers of stock with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Manitowoc and Mississippi Rail Road Company," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing holding, receiving, selling, leasing, and conveying estate either real, personal or mixed, so far as the same may be necessary for the purposes of said company, and no further; and in their corporate name may sue and be sued, may have a common seal and alter and renew the same at pleasure, and generally may do all and singular the matters and things which to them shall lawfully appertain to do for the well being of the said corporation.

Capital stock—how divided.

Conditional Corporate Powers.

SEC. 3. The said commissioners, or a majority of them, after the said two thousand shares of stock shall have been subscribed as aforesaid, shall give at least thirty days notice in newspapers mentioned in the next preceding section, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of choosing nine directors, as

Notice to be given to Stockholders of election of directors

annually thereafter the said stockholders shall meet on the first Monday in July for the purpose of electing directors as aforesaid upon a like previous notice to be given in such newspapers by the directors for the time being in such newspaper as they may deem advisable: Provided, That previous to the first election the commissioners hereinbefore named, shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors: And provided: That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election.

Proviso.

Special election —when held.

Sec. 4. The (officers) [affairs] of the said corporation shall be managed by a board of nine directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed by the stockholders of said company, the votes to be delivered in person or by proxy duly authorised, which directors shall appoint one of their number President and shall respectively serve one year, or until other directors are elected; they shall have power to make and establish by-laws, rules, ordinances and regulations not inconsistent with the constitution and laws of the United States or of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company: Provided, That none but stockholders shall be eligible to be elected directors, and that at every such election and in all other cases upon which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote in all cases of elections of directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

Directors to manage affairs make by-laws &c.

Proviso.

Stock to vote.

Sec. 5. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. Five directors shall be a quorum for the transaction of business, who in the absence of the President, may appoint a President pro tem. The said directors shall appoint a Secretary, Treasurer, and such engineers and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts. They shall have full power to decide the time and manner and proportions in which the stockholders shall pay their money due upon their respective shares, and to forfeit to the use of the company the share or shares of every person or persons failing to pay any instalment so required at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; to regulate tolls; to make

Directors may appoint certain officers.

General powers of Directors.

such covenants, contracts and agreements with any person or persons, co-partnership or body politic whatsoever, as the execution and management of the works and the convenience and interests of the company may require; and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company: Provided, That no instalment called in at any one time shall exceed twenty dollars per share, and that no instalment shall be called by the directors without giving at least sixty days' notice thereof in the newspapers hereinbefore mentioned.

Proviso

Certificates of Stock transferable under regulations.

SEC. 6. The directors chosen as aforesaid shall issue a certificate to each stockholder for the number of shares he or they shall subscribe or hold in the said corporation, signed by the President, countersigned by the Secretary, and sealed with the common seal; subject, however to all the payments due and to become due thereon; which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws of the company.

Directors to make an annual statement and may call special meetings of Stockholders.

SEC. 7. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Location, Construction to be determined at a special meeting.

SEC. 8. The said company shall have power to locate and construct a single or double track railroad, from such eligible point in the village of Manitowoc to such eligible point on the Mississippi river in the village of La Crosse, as shall be determined upon by a vote of the stockholders holding a majority of the stock of said company, who shall be represented in person or by proxy at a special meeting called for the purpose of fixing the location or termination of said road; and shall have power to transport, take, and carry property and persons upon the [same] by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and they shall also have power to make, construct and erect such turn-outs, and also all such ware houses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of said company in the use of said railroad; and also to connect said railroad and operate the

Powers of Company.

same, with other railroads and branch railroads in the State of Wisconsin.

Conditions of Charter.

Sec. 9. If said corporation shall not within three years from the passage of this act, commence the construction of said railroad, and expend fifty thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, furnish and put in operation a single or double tract of railroad from the said village of Manitowoc to the Mississippi river, then the rights, privileges and powers of the said corporation under this act shall be null and void.

Appropriation of Lands, when lawful.

Sec. 10. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said rail roads, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in such case respectively: Provided, that the said corporation shall not in their corporate capacity, hold, purchase or deal in any lands within this State other than the lands in which said road shall run, or which shall be actually necessary for the construction or maintainance thereof, and of the ware houses, machine shops, depots and other fixtures connected herewith: And provided further, That said company shall not have right to run said railroad through any garden, orchard, burial ground, or building, without having first obtained the consent of the owner or owners thereof.

Compensation—how provided.

Proviso.

When consent of owners necessary.

Sec. 11. When the said corporation cannot agree with the owner or owners of such required land, for the purchase thereof, or for the damages sustained by said owner or owners thereof, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid; or when by reason of the legal incapacity or absence of any such owner or owners, no such agreement or purchase can be made; then, and in any such case, it shall be lawful for the Judge of the Circuit or County Court of the county in which such lands are situated, on application of either party, and at the charge of said corporation, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine or survey said lands, with the buildings and improvements, if any, thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner

When Judge of Court to appoint appraisers to assess damages.

or owners thereof shall sustain, or may have sustained, by reason of the taking of the same for the construction and use of said railroad, or works appertaining thereto; taking into consideration the advantages as well as disadvantages of the same to the said owner or owners; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace, or other person competent to administer oaths, faithfully and according to the best of their abilities, to examine the lands so taken or required by said company, and impartially to examine and appraise the value of the same, and the damages or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above all benefits and advantages which such owner or owners shall derive from the construction of said railroad; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owner or owners, as aforesaid, and shall make a report of such valuation, in writing, under their hands and seals to said Judge, and shall return the same within thirty days after their appointment to the clerk of the Circuit Court of the county in which they reside; and it shall be the duty of the said clerk to file the same, and in case no appeal shall be made within thirty days after the filing said reports, as hereinafter provided, then the said clerk shall record the same, at the expense of the said company, and judgment of the said Court shall be entered thereon, on motion of either party, at any term of said Court: Provided, that either party may appeal to said Court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in said Court, and the jury empanneled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained, or may sustain by taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such railroad; and judgment of Court shall be entered accordingly: Provided also, that it shall not be lawful for the said commissioners, or the said Court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorney, unless it shall be shown to them, by competent testimony, that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the

Appraisers to make oath, &c

Appraisers to report to Judge through Clerk of Circuit Court

When judgment shall be entered.

Proviso.

Appeals to be tried as other issues.

Proviso.

State of Wisconsin; and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their guardians or trustees, if any there be, or in such manner as the said Court may direct; Provided also, that upon the making and filing of any report, as aforesaid, and payment, or legal tender, of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said railroad, may immediately take and use the same, without awaiting the issue of any appeal brought thereon.

Upon whom notice to be served

Proviso.

Company entitled to use upon tender of money.

Sec. 12. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where said railroad may cross or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passageway, to enable all persons passing or traveling such public road to pass over or under such railroad without inconvenience; and whenever said railroad shall cross any navigable stream, it shall be constructed with a draw over the channel of such stream, not less than thirty feet wide, so as not to obstruct the navigation of said stream, and said company shall at all times provide the necessary attendance, so as to open said draw for the convenience of persons navigating such stream.

Rail road not to obstruct other roads.

When Draws to be constructed —their width, &c.

Sec. 13. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage way over or under said railroad, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry, as occasion may require: Provided, that said company shall in no case be required to make more than one passageway for each farm, and when any public road shall cross such railroad in any farm, the person owning or possessing the farm shall not be entitled to require said company to make any additional passage or causeway.

Lands.

Company to make passage ways across roads.

Proviso.

Sec. 14. On the completion of said railroad, or any portion of the track not less than ten miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight, or persons and property, as they shall from time to time think reasonable.

Company may fix a Tariff of freight and passage.

Sec. 15. If any person shall wilfully and knowingly break, injure, or destroy the railroad so to be constructed by aid of said company, or any part thereof, or any works, buildings or ma-

Penalties for wilful obstruction, &c.

chinery attached to or in use upon the same belonging to said company, such person or persons so offending shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company, by action of debt, in any Court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment, or either, at the discretion of the Court.

Property subject to execution

SEC. 16. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debt, in such manner as is or may be provided by law: Provided, that all debts due said company shall be first paid.

Proviso

Stock how increased.

SEC. 17. The stockholders holding a majority in value of the stock, may at any annual or special meeting, increase the capital stock of this company to an amount not to exceed three millions of dollars.

Rule of evidence.

SEC. 18. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the State, shall be received as evidence thereof.

Reservation of this State

SEC. 19. In case of a violation by the company of any of the provisions of this act, the legislature may resume all and singular the rights and privileges hereby granted to said company.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 348 An Act for the relief of School District number two, in the town of Richmond, in the county of Richland.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

When Town Superintendent to pay over monies.

SECTION 1. That whenever the district board of School District number two, in the town of Richmond, in the county of Richland, report to the Town Superintendent that they have kept three month's school, he shall thereupon pay to the treasurer of said district the proportion of school moneys of said town.

Sec. 2. This act shall take effect from and after its passage, and be in force till the first of May next. When act to take effect.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 15th, 1851.
NELSON DEWEY.

An Act to extend the limits of the town of Rushford, in the county of Winnebago. **Chap. 349**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That all that territory north and west of Fox river, embraced within the limits of town eighteen, of range fourteen, be, and the same hereby is attached to the town of Rushford. Limits extended.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 15th, 1851.
NELSON DEWEY.

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n Act to authorise the construction of a Bridge across the Wolf river at Winneconna **Chap. 350**

The People of the State of Wisconsin, represented in Senate nd Assembly, do enact as follows:

Section 1. That Samuel Simcock, A. W. Avery, C. R. amlin, Peter Mumbrutte, and John Scott, their associates and signs, shall have power to build and maintain a bridge across olf river, at the foot of Wright street, in the village of Winconna. Who may build bridges.

Sec. 2. That said bridge shall not be less than eighteen feet de, and shall be constructed with a draw over the channel of river, not less than one hundred feet in width, which shall kept continually open during the season of navigation. Width of bridge and draw.

Sec. 3. That the said company shall have power, after the npletion of said bridge, to demand and collect tolls for pass- over said bridge, as follows: For every vehicle drawn by horse, eighteen cents; for every vehicle drawn by two ses or oxen, twenty-five cents; and for each additional horse ox, six cents; for a single horse and rider, twelve and a half ts; for foot passengers, three cents; for all animals in ves, three cents each: Provided, that hogs and sheep shall be taxed more than two cents each per head. Rates of Toll. Proviso.

Rates to be posted up.

Sec. 4. The said company shall keep posted up, in some conspicuous place on said bridge, the rates of toll allowed by this act.

Sec. 5. This act shall be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY

Chap. 351

An Act to incorporate the St. Croix Boom Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name of corporation.

Section 1. That Orange Walker, John McKusick, George B. Judd, Levi Churchill, Socrates Nelson, Daniel Mears, W. H. C. Folsom, William Kent, and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, for the purposes hereinafter mentioned, by the name of the "St. Croix Boom Company," for the term of fifteen years; and by that name they and their successors shall be, and they are hereby made capable in law, to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered, in any court of record, or elsewhere, and to purchase and hold any estate, real, personal or mixed, and the same to grant, sell, lease, mortgage, or otherwise dispose of, for the benefit of said company, to devise and keep a common seal, to make and enforce any by-laws not contrary to the constitution and laws of the United States or of this State, and to enjoy all the privileges, franchises and immunities incident to a corporation.

Corporate powers.

Capital Stock—how increased.

Sec. 2. The capital stock of said company shall be ten thousand dollars, in shares of one hundred dollars each, and the Board of Directors shall have power at any time whenever a majority in value of the stockholders shall deem the same advisable to increase the said capital stock to any amount not exceeding in the whole, twenty-five thousand dollars, and the stockholders shall be individually liable for the debts of said company.

Stockholders individually liable

Who may open Books for subscriptions.

Sec. 3. Any three of the individuals named in the first section of this act, shall be authorised to cause books to be opened at Willow river, in the county of St. Croix, for the purpose of receiving subscriptions to the capital stock of said company, first giving twenty days notice in any newspaper

published in said county, of the time and place of opening of such books.

When subscribers may call a meeting to elect directors.

Sec. 4. Whenever five thousand dollars of capital stock shall have been subscribed, and five dollars upon each share so subscribed for shall have been actually paid in, any number of the subscribers who shall represent a majority of the then subscription to said stock, shall be authorised to call a meeting of the several subscribers thereunto, by giving ten day's notice of the time and place of such meeting, in any newspaper published in said county; and those of the subscribers who may be present at such meeting so called, shall have the power and be authorised to elect a board of five directors from the stockholders of said company.

Directors to elect a President, &c.

Sec. 5. The board of directors thus chosen shall proceed o elect one of their number as President of the said company, nd shall choose one person who shall act both as Treasurer nd Secretary of said company, and who shall give bonds, to e approved by the President and directors to the said Presient and directors, in the penal sum of five thousand dollars, onditioned for the faithful and correct discharge of his duty Treasurer and Secretary; and at such first meeting, said resident and directors shall prepare and adopt a code of by- ws, for the regulation and government of the affairs of said mpany, which may be altered or amended at any subsequent eting of said board of directors.

President and Directors to adopt by-laws.

Term of office of President, &c.

Sec. 6. The said President, directors, and Treasurer and cretary, chosen according to the provisions of the two preling sections, shall remain in the several offices until the dnesday immediately preceding the twenty-fifth day of Deber, in the year of our Lord one thousand eight hundred fifty-one, upon which said Wednesday, a meeting of the stockholders shall be held, and a board of five directors sen, who shall remain in office for one year thereafter, and ually thereafter on the Wednesday next preceding the nty-fifth day of December of each year, a meeting of the kholders shall be held, and a board of five directors shall hosen for the ensuing year: Provided, That if any vacanshall be created in any office, by reason of resignation, h, or otherwise, the board of directors shall have power to uch vacancy for the remainder of the term: Provided,

Term of office of Directors.

Proviso.

That the President of said company shall be chosen from directors thereof, and a Treasurer and Secretary shall rs be chosen by the said board of directors, according to rovisions of the fifth section of this act.

Who may call special meetings.

c. 7. The President of said company shall have power l a meeting of the stockholders at any time, by giving

twenty days' notice of the time and place of said meeting, in any newspaper published in said county, and any three of the board of directors, or a majority in value of the stockholders, shall have the like power to call such meeting of the stockholders in like manner: Provided, That the duties and powers of the President not in this act specifically set forth, shall be specified and prescribed in the by-laws adopted by the board of directors, according to the provisions of the fifth section of this act.

Proviso.

General powers of Directors.

SEC. 8. The Board of Directors shall meet at such times and places as they shall regulate by their by-laws; they shall fix the compensation of all officers of the company and define their duties, shall by their by-laws regulate the government of all meetings of their own board, and of the stockholders and generally shall have power to do all acts for the benefit and purposes of the said company.

Duty of Secretary.

SEC. 9. The Secretary shall attend all meetings of the Board of Directors and of the stockholders, and shall keep a just and true record of all the proceedings at such meetings, and as Treasurer and Secretary shall perform such duties as the Board of Directors shall by their by-laws prescribe.

Stock to vote.

SEC. 10. Every share shall be entitled to one vote, and at any meeting for the choice of directors the five stockholders having the highest number of votes cast, shall be elected directors; and at every meeting of the Board of Directors for the choice of President, the director having the highest number of votes, shall be elected President: Provided, That at any meeting of the stockholders a majority in value shall constitute a quorum with power to transact all business, and at any meeting of the Board of Directors, any three of the Board of Directors shall constitute a quorum with power to transact business.

Proviso.

Quorum, what shall constitute.

Company may maintain a Boom.

SEC. 11. The said company shall be and are hereby authorized and empowered to construct, maintain, and keep a boom upon the river St. Croix, at such point between Osceola Mills, so called, and Rock Island, so called, as they may select, in which boom all logs and hewn timber coming down the said river shall be gathered by the said company, and such logs or timber shall not be retained in said boom by the said company for a longer period than twenty days; unless otherwise agreed by and between the owner or owners of such logs or timber; and the said Boom Company (and the said company) shall be held accountable for all neglect to keep said boom in good order and repair, and pay all damage which may occur on failure of the same.

When Company to be accountable and liable for damages.

Company to sort and raft &c.

SEC. 12. The said company shall sort out the said logs and timber according to their several marks; shall raft the same

and of the said boom, sufficiently securely to run to the head of Lake St. Croix, so called, and shall deliver the same to the owners thereof; and at such points between the said boom and the said head of the Lake St. Croix, as the said owner or owners of any particular mark or marks of logs or timber shall direct such logs of timber so marked to be delivered: Provided, that the said Boom Company shall not be obliged to retain any logs or timber at the foot of said boom for a longer period than five days, after notice has been given to the owner or owners of such logs or timber, or his, or their agent, that such logs or timber are ready for delivery.

Proviso.

When Company not obliged to retain logs.

Sec. 13. The said company shall demand and receive, and are hereby authorised by law, to collect the sum of forty cents per thousand feet for every thousand feet of logs or timber sorted out and rafted and ready for delivery, as aforesaid, at the foot of said boom, exclusive of the charges for scaleage of said logs or timber, and for all logs sorted out, rafted and delivered, as aforesaid, at any point between the foot of said boom and the said Lake St. Croix, the said company shall demand and receive, and are hereby authorised by law to collect the sum of fifty cents per thousand feet of logs or timber, so sorted, rafted and delivered, exclusive of charges for scaleage: Provided, that if any logs or timber shall not be taken away from the foot of said boom within the five days, in the preceding section mentioned, and the owner or owners of such logs or timber shall not direct the said Boom Company within the said five days at what point the same are to be delivered, then the said Boom Company are authorised to secure such logs or timber at any point above the head of Lake St. Croix, and to demand, receive, and collect therefor the same compensation as by this section provided for the delivery of logs or timber at any point between the foot of said boom and the said head of L. Croix: Provided, that rafts of said timber, or timber of any kind which may by accident or otherwise float into said boom, shall only be charged with such reasonable compensation as will indemnify the owners of said boom for the safe delivery thereof.

Rates of compensation for certain services

Proviso.

When Company may secure logs not disposed of by owners.

Proviso.

Sec. 14. The charge for scaleage and the boom charges, aforesaid, shall be deemed due, and shall be paid to the said company, when the said logs are scaled and are ready for delivery, as aforesaid, and the said company shall be responsible to the Surveyor for the scaling of such logs or timber.

Company responsible for scaleage

Sec. 15. The said Boom Company shall always give passage by or through their said boom, at all times, to any raft coming down the said river St. Croix, and to all steamboats, skiffboats, or flatboats running either up or down the said river,

Company to give free passage to rafts, &c.

without any hindrance, let or delay by reason or on account of said boom.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 352. An Act to provide for the Superintendence of the State Library, for the purchase of Books for the same and for other purposes.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Who to be Trustees ex-officio.

SECTION 1. The Governor, Secretary of State and Superintendent of Public Instruction, shall be ex-officio Trustees of the State Library.

Trustees may make rules for care of Library.

SEC. 2. The said Trustees shall have full power to make and carry into effect such rules and regulations for the superintendance and care of the books, maps, charts, paper and furniture contained in the State Library, and for the arrangement and safe keeping of the same as they may deem proper.

Trustees may provide for loan of Books to certain persons.

SEC. 3. It shall be the duty of the said Trustees to provide in their rules and regulations that any member of the Legislature during the session thereof, or any member or Attorney of the Supreme Court during the session of the same shall be permitted, under proper restrictions, penalties and forfeitures, to take to his rooms any book belonging to the said Library, excepting such as the Trustees shall deem it improper to permit to be removed, but no member of the Legislature shall be allowed to take more than five books at one time, nor to retain the same for a longer time than five days.

Duties of State Librarian and penalty of bond

SEC. 4. The State Library shall be kept open every day during the sessions of the Supreme Court and of the Legislature, and during such other days as the Trustees or Governor shall direct, except Sundays, and during such hours as shall be directed by the Trustees. The State Librarian shall perform such duties as are or shall be prescribed by law by the rules and regulations of the Trustees, and by the Governor, and the penalty of his official bond shall be ten thousand dollars.

Librarian to be appointed by the Governor.

SEC. 5. The Librarian shall be appointed by the Governor of the State for the term of one year to commence on the first day of April thereof. Before he enters upon the duties he shall give a bond with good and sufficient security, in the penal sum of ten thousand dollars in such form as the said Governor shall approve, conditioned for the performance of all duties requi-

ed by law, and all rules prescribed by the Trustees aforesaid. He shall give his personal attendance upon the Library during the hours it shall be directed to be kept open, and shall perform such of the duties as may be imposed by law, or shall be prescribed by the rules and regulations of the Trustees. He may appoint an assistant by the approval and consent of the Governor, but such appointment shall not excuse him from personal attendance at the library, unless from necessity, and then but for such time as said Governor may limit. Librarian to attend personally.

Sec. 6. The salary of the Librarian shall be fixed by the Trustees; but the same shall not exceed the sum of six hundred dollars per year, nor shall any extra amounts be paid for any Assistant Librarian. Salary, &c.

Sec. 7. The sum of two thousand and five hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to purchase law books for the State library; and said fund is placed at the disposal of the Governor of the State, to be by him applied in the manner he may deem most advisable for the purpose of perfecting and completing the sets of books now in the library, and for making such other additions and improvements as he shall deem most advisable. The sum of money aforesaid may be drawn from the treasury, on the warrant of the Governor, specifying therein the object for which the same is drawn, and he shall make full report at the next session of the legislature of the manner in which he shall have expended said fund, the number, name, and kind of the book purchased, and also of the general condition of the library. Sum appropriated to purchase books. Governor to draw on the Treasury, and to make report to Legislature.

Sec. 8. The Trustees of the library shall, as soon as may be, and before any additional purchases are made, make an examination of the State library, and cause their Librarian to make out a complete list or catalogue of all books contained in the same; and they shall also report the same, together with such additions as may hereafter be made by virtue of any law, to the next legislature, Trustees to make examination, and cause catalogue to be made.

Sec. 9. The Trustees shall proceed immediately to adopt such rules and regulations, under this act, as they deem proper, and shall post the same up publicly in the library room. Trustees to post up Rules

Sec. 10. The Librarian shall make report, five days before the adjournment of any session of the legislature, of the number of the books that have been taken out of the library by the members, giving the names of all members that have any books at the date of such report, with the name and number of such books. Librarian to make report of books drawn from Library.

Sec. 11. All fines, penalties, and forfeitures imposed by the rules and regulations of the Trustees of the library, for any Recovery of fines, &c.

violation of such rules and regulations, may be recovered in an action of debt, or other proper action, suit, or proceeding in the name of the State, before any Court of competent jurisdiction; and all such fines, penalties, forfeitures and recoveries shall be applied to the use of the library, under the directions of the Trustees.

FREDERICK W. HORN,
Speaker of the Assembly,
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851. NELSON DEWEY.

Chap. 353.

An Act to provide for the fees of Sheriffs.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Fees of Sheriff's for

SECTION 1. Every Sheriff in this State shall be entitled to receive the following fees for his services, viz: First—For

Serving Summons, &c.

serving a summons, writ of replevin, or any other process by which a suit shall be commenced in a court of law, or a subpœna to appear and answer, or writ of injunction in chancery, and making return thereon, for one defendant, seventy-five cents; for each additional defendant, thirty-seven and a half

Traveling fees.

cents. Second—Traveling in making service of any summons, writ or other process, except criminal capias, to be computed in all cases from the court house of the county in which service

Taking bond, &c.

is made, five cents per mile, going and returning. Third—Taking a bond in any case, when required by law, and approving the same, fifty cents. Fourth—Making a copy of any bond, summons, writ, subpœna, declaration, or other paper served or taken, when required by law or demanded by a party, ten cents per folio. Fifth—Serving and returning a subpœna to testify for each person served, twenty-five cents.

Serving subpœna, &c.

Serving writ

Sixth—Serving a writ of possession, or other writ not provided for, one dollar. Seventh—Collecting and paying over all sums upon execution, writ or process, for the collection of money, five per cent. upon any sum not exceeding three hundred dollars; and upon any sum more than three hundred dollars and less than six hundred dollars, two and one-half per cent.; and upon all sums exceeding six hundred dollars, one and one-fourth per cent.; but in no case shall the whole percentage exceed thirty dollars. Eighth—Advertising goods and chattels for sale upon execution, writ or process, seventy-five cents; but when there are more than one execution, writ or process in the hands of the Sheriff against the same defendant, there shall be but one advertising fee charged on the whole, which shall be

Collection and payment.

Advertising sales.

on the execution having priority. Ninth—Drawing advertisement of real estate, per folio, twenty-five cents. Tenth—Every certificate of sale of real estate, fifty cents. Eleventh—filing copy thereof with the register of deeds, including fees of register of deeds, twenty-five cents. Twelvth—Executing a deed pursuant to a sale of real estate, one dollar; to be paid by the grantee in such deed. Thirteenth—Summoning a grand or petit jury, to be paid from the county treasury, thirty-eight cents for each prior named. Fourteenth—Summoning a jury upon a writ of inquiry, attending such jury and making and returning the inquisition, one dollar and fifty cents. Fifteenth—Summoning a special jury, struck pursuant to an order of court, and returning the panel, one dollar and fifty cents. Sixteenth—Summoning a jury pursuant to any precept or summons of any officer, in any special proceeding, seventy-five cents; and for attending such jury when required, fifty cents. Seventeenth—Attending a view, when ordered by the court, one dollar and twenty-five cents per day, including the time occupied in going and returning. Eighteenth—Summoning appraisers and swearing same, fifty cents. Nineteenth—Every appraiser for each day, one dollar. Twentieth—Drawing an inventory or other paper, except returns upon a summons, subœna, or vieiver [venire], twenty-five cents per folio. Twenty-first—Attending the Supreme Court, one dollar and fifty cents for each day; to be allowed on the certificate of the Chief Justice or clerk, and paid out of the State treasury. Twenty-second—Attending the circuit or county court, one dollar and fifty cents for each day, to be allowed on the certificate of the Judge or clerks, and paid out of the county treasury. Twenty-third—Serving notice of any general or special election upon the inspectors of elections, of the different towns and wards in his county, fifty cents for each town or ward, to be paid out of the county treasury. Twenty-fourth—For serving any writ or other process, with the aid of the county, two dollars and fifty cents, and all necessary expenses incurred thereby. Twenty-fifth—All such necessary expenses incurred in making possession of any goods or chattels and preserving the same, as shall be just and reasonable on the opinion of the Court. Twenty-sixth—All fees allowed by law and paid to any printer for any advertisement required to be published by the sheriff. Twenty-seventh—Traveling to serve any criminal process, for every mile actually traveled, five cents per mile, whether in the county from which process issued or not. Twenty-eighth—Every commitment to prison, fifty cents. Twenty-ninth—Discharging a person from prison, twenty-five cents. Thirtieth—Bringing up a prisoner upon a habeas corpus to

Making description of real estate
Certificate of sale.
Filing copies, &c
Executing deeds
Summoning juries.
Summoning juries.
Summoning juries.
Summoning juries.
Attending a view.
Summoning appraisers, &c
Fees of appraisers.
Making inventory.
Attending Supreme Court.
Attending Circuit Court.
Serving notice of Election.
Serving writ with aid of County, &c.
Necessary expenses as Court may deem just.
Printers fees for advertising.
Traveling fees serving criminal process.
Commitment.
Discharge.
Bringing up prisoner.

testify or answer in any court, or before a Judge, one dollar.

Attendance before an officer.

Thirty-first—Attending before an officer with a prisoner, for the purpose of having him surrendered in exoneration of his bail, or attending to receive a prisoner so surrendered who was not committed at the time, and receiving such prisoner into custody, in either case, one dollar; and—

Attending court with prisoner.

Thirty-two—Attending any court or office with a prisoner, one dollar and fifty cents per day, besides actual necessary expenses.

Certain fees—how collected.

SEC. 2. All fees herein allowed to the Sheriff, upon the service of an execution, a writ for the collection of money, and advertising thereon, shall be collected by virtue of such execution or writ, in the same manner as the sum therein directed to be collected.

When act not to apply.

SEC. 3. This act shall not apply to the services in the county courts, or in proceedings before Justices of the Peace, where such fees are provided by law.

Acts repealed.

SEC. 4. All acts contravening the provisions of this act are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 354 An Act to amend an Act (*conceiving*) [concerning] the Fees of certain Officers and other persons.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Fees of Clerks of Circuit and County Courts.

SECTION 1. The fees of the clerks of the circuit and county courts for any services herein specified to be rendered by them shall be as follows:

For issuing and sealing every writ when filled up by them, fifty cents, and for each subpœna twenty-five cents.

Docketing writ first time, either with or without process, twenty-five cents; and for each time thereafter ten cents; and for each continuance twelve and a half cents.

Entering the return of every writ except subpœna, twelve and a half cents; entering an appearance, *re raxit* discontinuance, non suit, or default, twelve and a half cents.

Entering every motion or rule, twelve and a half cents each.

Every report upon assessment of damages made by him, thirty-seven and a half cents.

Every certificate including seal, twenty-five cents.

Calling and swearing jury, fifty cents, and for venire, thirty-seven and one half cents.

Receiving and entering verdict, twenty-five cents.
Entering every judgment, thirty-seven and a half cents; and for satisfaction of same twelve and a half cents.
Swearing each witness on the trial of a cause, six cents; and for administering every other oath, twelve and a half cents each.
Drawing a special jury in any cause, fifty cents.
Attendance in striking special jury and certifying names selected to each party, fifty cents.
Filing each paper or process, six cents.
For recording every paper or other matter in any cause, and for copies of papers or records, ten cents per folio.
For determining and certifying the sufficiency of the sureties any bond, twenty-five cents.
Entering transcript of Justice judgment, and satisfying the same, fifty cents.
Each blank writ furnished attorneys, including seal, twelve and one half cents.
Entering surrender of bail, eighteen and three fourths cents.
Each commission to take deposition, fifty cents.
Certificates of jurors, judge or constables attendance at court, twelve and a half cents.
Entering forfeiture of recognisance, twelve and a half cents.
Entering discharge of bail, twelve and a half cents.
Entering a declaration to become a citizen of the United States, twenty-five cents; and for copy of same under seal of court, fifty cents.
Entering the final admission of an alien to the rights of citizenship including certificate of the same under seal, one dollar.
Entering every confession of judgment not including execution, two dollars.
For searching each volume for each judgment, twelve and a half cents per volume.
Entering plea of criminal in each cause, twenty-five cents.
Clerks fees in criminal prosecutions, the same as in suits at law.

For all services not herein enumerated, such fees [as] may be prescribed by the court in which the cause is pending.

Sec. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 355 An Act to appropriate to the different persons therein named, the sum of money set down to each person separately.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sums appropriated to

SECTION 1. There is hereby appropriated out of any money in the Treasury not otherwise appropriated, to the following persons herein named, the following sums of money, viz: To

J. W. Seaton, $18,00.

J. W. Seaton the sum of eighteen dollars, as pay in full for three hundred and sixty copies of the Potosi Republican, furnished to members of the legislature at its present session.

A. D. & J. Ladue, $110,00.

SEC. 2. To A. D. and J. Ladue the sum of one hundred and ten dollars, as pay in full for two thousand two hundred copies of the Sheboygan Democrat, furnished as aforesaid.

J. A. Hadley, $46,80.

SEC. 3. To J. A. Hadley the sum of forty-six dollars and eighty cents, as pay in full for nine hundred and thirty-six copies of the Watertown Chronicle, furnished as aforesaid.

R. A. Bird, $28,50.

SEC. 4. To R. A. Bird the sum of twenty-eight dollars and fifty cents, as pay in full for five hundred and ten copies of the Washington County Blade, furnished as aforesaid.

J. L. March, $18,50.

SEC. 5. To J. L. March the sum of eighteen dollars and fifty cents, as pay in full for copies of Grant County Herald, furnished as aforesaid.

J. W. Snow, $5,00.

SEC. 6. To J. W. Snow the sum of five dollars, as pay in full for one hundred copies of the Green County Union, furnished as aforesaid.

E. Edwards, $20,00.

SEC. 7. To E. Edwards the sum of twenty dollars, for four hundred copies of the Winnebago Telegraph, furnished as aforesaid.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President of the Senate, pro tempore.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 356 An Act appropriating money to certain persons therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sum appropriated.

SECTION 1. There is hereby appropriated to D. Y. Dickson, to be paid out of any money in the Treasury not otherwise appropriated, the sum of twenty dollars and fifty cents, in full for blanks furnished and printing done for the Supreme Court during the year 1848, and June 9th, 1849.

Sum appropriated.

SEC. 2. There is hereby appropriated to Tibbitts, Gordon & Co., to be paid out of any money in the State Treasury not

otherwise appropriated, the sum of five dollars and fifty-four cents, for locks and latch for the office of the Secretary of State.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

An Act to appropriate to Ira Gates a sum therein named. **Chap. 357**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Ira Gates, Sheriff of Winnebago, county the sum of fifty-six dollars and thirty-six cents, in full for maintaining Daniel G. Smith, a State convict, from May third, one thousand eight hundred and fifty, to August third, one thousand eight hundred and fifty, and to be paid out of any money in the treasury not otherwise appropriated. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

An Act to appropriate to Moritz Schoeffler the sum therein named. **Chap. 358**

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of fifty dollars, to be paid to Moritz Schoeffler, for furnishing five hundred copies of the Wisconsin Banner, containing the Governor's Message in the German language, ordered by resolution of the Assembly. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 359. An Act appropriating to Darwin Clark the sum of money therein named

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to Darwin Clark out of any money in the treasury not otherwise appropriated the sum of four dollars and fifty cents, in full for one walnut table for the use of the office of Secretary of State, furnished December sixth, one thousand eight hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 360 An Act to appropriate to King & Fuller a certain sum of money therein named

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to King & Fuller out of any money in the treasury not otherwise appropriated, the sum of one hundred dollars and eighty-nine cents, in full for papers furnished the members of the present legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 361 An Act to appropriate to E D Masters the sum of money therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. That there be and hereby is appropriated out of any money in the treasury not otherwise appropriated, to E D. Masters, the sum of three dollars and ninety-five cents, in full for sundries furnished the State.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to appropriate to Jackson Richardson, or his legal representatives, the sum therein named. Chap. 362

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Jackson Richardson, or his legal representatives, twenty-five dollars and twenty-five cents, in full for washing, medical aid and clothing for David J. Odell and Levi Bates, for the years 1849 and 1850. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to appropriate to H. Ladd the sum of money therein named. Chap. 363

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to H. Ladd the sum of thirty-five dollars, for use of rooms number sixteen and ten, in the American, as committee rooms, under a resolution of the Assembly authorising the chief clerk to furnish committee rooms. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

An Act to appropriate a certain sum of money. Chap. 364

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to the Governor of this State a sum not exceeding two hundred dollars to be expended in the completion of the block of marble designed for the "Washington Monument," and for the transportation of the same to the city of Washington. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 365 An Act to appropriate to Rood & Whitmore the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to Rood & Whitmore to be paid out of any money in the treasury not otherwise appropriated, the sum of four hundred and twenty-nine dollars and eighty cents in full payment for stationery, furnished State officers.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 366 An Act to appropriate to C. Latham Sholes a sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to C. Latham Sholes, out of any money in the treasury not otherwise appropriated, the sum of three thousand dollars ($3000 00), in part payment for printing the journals of the Senate and Assembly of the Legislature of the State of Wisconsin for the year 1851, and of the laws passed at said session.

Condition of appropriation. SEC. 2. No portion of the sum appropriated by the first section of this act shall be drawn from the treasury by the said C. Latham Sholes, until his contract shall have been complied with, and the laws and journals contracted for by him shall have been deposited with the Secretary of State.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 367 An Act appropriating to Jerome R. Bingham a sum of money therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to Jerome R. Bingham, to be paid out of any money in the State treasury not otherwise appropriated, the sum of fifty-one dollars and seventy-two cents, in full, for Clerk's fees in State suits in the Supreme Court, during terms from January, 1850, to Decem

ber, 1850, inclusive, and for other services as Clerk of said Court during the year 1850.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

An Act to appropriate to Robert B. Wentworth the sum therein named. Chap. 368

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Robert B. Wentworth, out of any money in the treasury not otherwise appropriated, the sum of four thousand four hundred and sixty-five dollars and seventy-four cents, in full, for doing the incidental printing of the Legislature for the year one thousand eight hundred and fifty-one. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15, 1851.
NELSON DEWEY.

An Act to pay the Chaplains employed during the present session of the Legislature. Chap. 369

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, as full pay for services as Chaplains during the present session of the Legislature: Sums appropriated.

To Wesley Latten the sum of fifty dollars. To Wesley Latten.
To Charles Lord the sum of fifty dollars. Charles Lord.
To ——— Woodward the sum of fifty dollars. —— Woodward
And to the Reverend Father Elchman the sum of fifty dollars. Rev. Father Elchman.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 370 An Act to appropriate to F. F. Davis, Sheriff of Fond du Lac county the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to F. F. Davis, Sheriff of Fond du Lac county, to be paid out of any money in the treasury not otherwise appropriated, the sum of one hundred and fifty-one dollars and seventy-four cents, in full pay and satisfaction for board, clothing, washing and jailor's fees, in case of Bucklin, Forbes, and Powderly, State prisoners confined in Fond du Lac county jail, up to the time of their discharge.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 371 An Act to appropriate to Moritz Schoeffler the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to Moritz Schoeffler, out of any money in the treasury not otherwise appropriated, the sum of twenty-one dollars and fifty cents, in full for publishing in the "Wisconsin Banner," "An Act to provide for the permanent location of the seat of justice in the county of Washington, and for the division of said county, and the organization of the county of Tuskola," agreeably to the requirements of said act.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851. NELSON DEWEY.

Chap. 372 An Act to appropriate to John C. Lewis, Treasurer of Dodge county the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropria ted to John C. Lewis, Treasurer of Dodge county, out of any money in the treasury not otherwise appropriated, the sum of one hundred and forty-one dollars, for the use of said county in full for money

pended in keeping William S. Dewell, a State prison convict confined in the jail of said county.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15, 1851.
NELSON DEWEY.

An Act to appropriate to Peter W. Matts the sum therein named. **Chap. 373**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated.

SECTION 1. There is hereby appropriated to Peter W. Matts, out of any money in the treasury not otherwise appropriated, the sum of two hundred and eighty-five dollars and thirteen cents, in full payment for all services rendered in his official capacity as Sheriff; and for services as Crier, Fireman, and Doorkeeper, for the Supreme Court of Wisconsin, from and including the January term of said court in the year 1849, to and including the December term of 1850; and for all other services rendered in attending upon said Supreme Court.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

An Act to appropriate funds for the benefit of the Institution of the Blind. **Chap. 374**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated for the construction of buildings &c.

SECTION 1. The sum of three thousand dollars is hereby appropriated, out of any monies in the treasury not otherwise appropriated, for the construction of the proper buildings for the Wisconsin Institution for the Education of the Blind, on the site selected by the trustees of said Institution, under the charter thereof, and reported to the present session of the legislature, through the Governor.

Sum subject to order of board of Trustees.

SEC. 2. The said sum shall be paid to said board of trustees on the order of said board passed at any meeting thereof, and certified to the Treasurer of the State by the President and Secretary of said board.

Sum appropriated to support the Institution.

SEC. 3. There is hereby appropriated, for the support of the Wisconsin Institution for the Blind, established at Janes-

ville, two thousand dollars, out of any money in the treasury not otherwise appropriated; which money may be drawn from the State treasury upon the order of the board of trustees, signed by the President and Secretary of the Institution, quarter yearly; which money shall be applied to the education and support of the Blind who shall be placed in said Institution for instruction for the year A. D. one thousand eight hundred and fifty-two: Provided, that before any money shall be paid to said board of trustees, under the provisions of this act, the said board in their corporate capacity shall execute a deed in fee simple of the ten acres already located by said board for the erection of the buildings for said Institute, which deed shall run to the Governor of the State, his successor in office, the same to be perpetually held by the State for the use and benefit of said Institute.

Proviso.

Board to execute deed of land to Governor, &c.

Board to execute a conditional bond with sureties to Governor.

SEC. 4. The said board shall also, before the receipt of any of the money mentioned in this act, execute to the Governor of the State of Wisconsin, his successor in office, a bond in the penal sum of ten thousand dollars, conditioned for the faithful application of all monies received by the said board, which bond shall be executed by the board of trustees, for the time being, together with three sufficient sureties, residents of this State, to be appointed by the Governor, which bond when so executed and approved shall be deposited in the office of the Secretary of State.

Trustees to deliver with the bond a plan &c. of building.

SEC. 5. At the time of the execution and delivery of the bond mentioned in the last preceeding section, and before the receipt of the money therein mentioned, the said trustees shall deliver to the Governor a plan and specification of the building to be erected upon the site selected for said Institute, which plan, when approved by the Governor, shall be attached to the bond hereinafter mentioned, and deposited with the Secretary of State; the said trustees shall at the same time execute to the Governor a bond conditioned for the erection and completion of a building suitable for said Institute upon the site so selected, the walls of which building shall be built of brick or stone, said building to be not less than twenty-six feet wide, and thirty-six feet long, and two stories high; the same to be erected and finished in accordance with said plan and specification, and within two years from the date of such bond, which bond shall be executed with like sureties, and be approved and deposited, as required in the first section of this act.

Trustees to execute to Governor a conditional bond for erection of building.

Dimensions.

Building to be finished within two years.

Section repealed.

SEC. 6. Section twelve, of an act entitled "An Act

incorporate the Wisconsin Institute for the Education of the Blind," is hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

An Act to provide for a settlement with Thomas Reynolds, a Contractor for work on the Portage Canal, for damages.

Chap. 375

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Board of Public works to adjust damages so contracted.

SECTION 1. The board of public works for the Fox and Wisconsin river improvement, are hereby authorised and empowered to settle with, adjust and order payment of every and all damages which may have justly accrued to Thomas Reynolds, a contractor for labor upon the Portage Canal, in consequence of a failure on the part of the board of public works, to furnish to the said Thomas Reynolds the steam dredge, to aid him in the excavation of the said Canal.

Failing to adjust Board to report action to Legislature.

SEC. 2. If the said board of public works are not able to adjust said claim of said Thomas Reynolds, for damages as aforesaid, within the year one thousand eight hundred and fifty-one, then the said board are hereby required to make return in their annual report to the next session of the Legislature, of their action thereon, with such evidence as may have been laid before them for the consideration of said Legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

An Act to appoint certain commissioners therein named.

Chap. 376

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to lay out road.

SECTION 1. Philip Dhein, Ethan Maxon and Walter Denman are hereby appointed commissioners to lay out and establish a State road from the city of Milwaukee to the village of West Bend in the county of Washington by way of the farm of Philip Dhein in the town of Germantown in said county.

Route.

Commissioners may receive monies and labor.

SEC. 2. Said commissioners may receive monies and subscriptions for labor, and it shall be their duty to apply the same

Proviso in the improvement of said road: Provided, Said commissioners shall receive no compensation from the State for such services.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 377 An Act to legalize School District No. 4, in the town of Ottawa, county of Waukesha.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Districts legal. SECTION 1. The acts of the Superintendent of the town of Ottawa, in forming and establishing school district No. 4, in said town of Ottawa, in the county of Waukesha, together with the acts of said school district for the year eighteen hundred and fifty, be and the same are hereby declared to be legal and valid for all purposes intended by such acts.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 378 [An Act in relation to streets, alleys and sewers in the city of Milwaukee.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Aldermen to be Street Commissioners. SECTION 1. The aldermen elected to the common council of the city of Milwaukee, shall be street commissioners in and for their respective wards, two of whom shall be a quorum for the

Papers to be preserved. transaction of business; one of their own number, or some person appointed by them, shall be clerk of the board, and shall keep a fair record of all the acts and doings of the board, draw prepare, file and preserve the contracts, agreements, receipts vouchers and papers of the board. The several boards shall make reports in detail of their acts and doings to the common council when required, and at the expiration of each year, and before their term of office shall expire, shall submit all the acts, doings, books, records, vouchers and papers to the said common council for final settlement and adjustment. It shall

Council may correct acts of Boards. and may be competent for any person aggrieved by any act, acts, order or orders of said boards, at any time, to have the

same reported fully to the common council, and for the said council to enquire into, examine and correct the act or order complained of, as may be just and right, and the further action of said board shall be regulated and controlled accordingly.

Street Commissioners to direct persons employed.

SEC. 2. It shall be the duty of said aldermen as street commissioner, to order and contract for the opening, making, grading, building, repairing and cleansing the streets, lanes, alleys, side walks, public wells, reservoirs, gutters and sewers within their wards, and to direct and control the street inspector, and persons employed or engaged in said works, in pursuance of such orders or contracts. In making contracts for any work, preference shall be given to tax payers of their own ward, if their proposals are equally advantageous with others.

Certain expenses chargable to general ward fund.

SEC. 3. The cost and expenses of surveying the streets, lanes and alleys, and of estimating work thereon, and of opening, repairing and cleansing streets, lanes and alleys, and of making, building, repairing and cleansing public wells, reservoirs and sewers, shall be chargeable to and payable out of the general ward fund of the ward wherein the same are located, making, opening, grading, graveling, paving the streets and gutters, lanes, alleys and side walks, shall be chargeable to and payable by the owners of lots fronting or opposite to such streets, gutters, lanes, alleys and side walks; in alleys, sewers may be ordered by the said aldermen as street commissioners, and made at the expense and charge of the lots or pieces of land benefitted therein, which costs shall be apportioned among said lots or pieces of land by the street commissioners with the assistance of the ward surveyor, and the said aldermen as street commissioners shall issue their certificates to the contractors in the same manner and form, and the sum with the interest thereon shall be assessed upon said lots and pieces of land respectively, as is provided in this act, in cases of grading, graveling, opening and paving streets and alleys: And provided further, That in all cases where improvements or work of any kind is chargeable by this act to lots, all such improvements across streets and alleys and public squares shall be made and paid out of the general fund of the ward in proportion to the breadth of the street or alley or public square.

Expenses chargeable to lots benefitted.

Certificate to be issued in payment.

Proviso.

Aldermen to give notice of work to be done.

SEC. 4. The streets to the middle of centre thereof, and the side walks, lanes and alleys shall be graded, graveled and paved at the cost and expense of the lots and lands lying on or opposite to the same respectively, and the said aldermen or street commissioners shall give notice to the owners or occupants of all such lots and lands if to be found, but if not to be found, by advertisements for five days in one or more daily newspapers published in said city, requiring them to do the

work therein mentioned within reasonable time therein specified in the street, lane, alley or sidewalk opposite their said lots or lands, and if the said work should not be done within the time specified and in pursuance of such notice, the said aldermen as street commissioners may contract for the doing thereof, and when the said work shall be completed according to the terms of such contract, and the expense thereof ascertained, the said aldermen as street commissioners shall give to the contractor a certificate under their hands, stating therein the amount due such person for the work whatever it may be, and the lot or piece of land upon which the same is chargeable with interest at the rate of twelve per cent per annum until paid, which said certificate may be transferred by endorsement thereon, and if the amount of such certificate with the accrued interest thereon shall not be paid before the time of making the annual assessment of taxes for city purposes, the same shall be specially assessed upon the said lot or lots or lands respectively and collected as other taxes for the use and benefit of the holders of such certificates. And if such notice shall have been given to do the work as herein directed, no informality or error in any of the proceedings or assessments shall vitiate or make void such tax: Provided, Where the general interest of the city or ward requires deep cutting or extraordinary filling and the owners of lots or lands fronting on such deep cutting or filling shall feel themselves aggrieved thereby, the said aldermen as street commissioners on the petition in writing of such owners, shall require and order the city marshal to summon five disinterested freeholders not residents of their ward, who shall meet, and after being duly sworn by some person authorised to administer oaths, well and impartially to discharge their duty, shall examine and view the premises, and if in their opinion the lots or lands fronting on such deep cutting or filling will be injured thereby, or that such work will be too burdensome on such lots or lands, it shall be their duty to make report in writing to the said aldermen or street commissioners how much or what proportion of said work shall be chargeable to the said lot or lots or lands, and how much or what proportion thereof shall be payable out of the general ward fund of the ward; and the work shall be so done as in other cases, and the portion of the cost thereof, chargeable upon the said lot or lots or lands shall be assessed upon said lots or lands and collected as in other cases, and the said aldermen as street commissioners shall issue their order upon the treasury for the amount or proportion payable by the ward.

When Alderman may contract to do work.

Certificate issued for work transferable.

Proviso.

When Aldermen may require marshal to summon jury to assess damages.

Jury to make report specifying amount chargeable to lots, &c.

When act to be submitted to vote of electors.

SEC. 5. In case the "Act to incorporate the city of Milwaukee," should not be adopted by electors of said city at the

election to be held on the first Tuesday of May next, the provisions contained in this act shall be submitted at the election to be held on the third Tuesday of May next to a vote of the electors of the several wards of said city. A separate box shall be provided by the judges of election of each ward for depositing the ballots upon the question of the adoption of said provisions, and upon the balance given for the adoption of said provisions shall be written or printed or partly written and partly printed the words: "For special street tax," and upon ballots given against the adoption of said provisions in like manner the words "against special street tax," and said ballots shall be so folded that the words "special street tax" shall appear on the outside. If at the said election in any of the wards of said city a majority of the votes cast on this question shall be "for special tax," said provisions shall thereafter be in full force in such ward, but if in any of the wards a majority of the votes cast on this question shall be "against special street tax" the laws and provisions now in force in such ward in relation to the grading, graveling, making and paving of the streets shall remain in full force.

Form of ballot.

Vote of the ward to determine applicability of act.

Acts repealed.

SEC. 6. All acts and parts of acts contravening the provisions of this act shall be and they are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 379

An Act granting to Henry W Kingsbury the right to keep and maintain a ferry across the Wisconsin river.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Who may maintain a ferry.

SECTION 1. Henry W. Kingsbury, his heirs, executors, administrators, and assigns, shall have the exclusive right and privilege, for the period of twenty-five years, of keeping and maintaining a ferry across the Wisconsin river, at or near Table Rock, in the county of Adams.

Ferry subject to general laws.

SEC. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietors thereof shall be entitled to receive for crossing, any vehicle drawn by two horses or one yoke of oxen, fifty cents; for one horse and wagon, thirty cents; for each additional horse or ox, fifteen cents; for man and horse, twenty-five cents; for cattle or horses in droves, five cents each: Provided, hogs and sheep shall not be charged more than three cents per head, and for foot passengers, ten cents each.

Tolls.

Ferries not to be licensed within one mile.

Who may amend act.

SEC. 3. No ferry shall be licensed within one mile of the point where the ferry above provided shall be established.

SEC. 4. Any future legislature may amend, alter, or repeal this act.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 380 An Act to permit the killing of Game therein mentioned in certain seasons of the year

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Game to be preserved.

SECTION 1. That from the first day of February to the first day of August following, in each year, no person shall kill any prairie hens or chickens, quails, woodcock or pheasant.

Penalty for killing game out of season.

SEC. 2. Any person violating the provisions of this act, shall forfeit and pay the sum of five dollars, to be recovered in an action on the case, one half to any person who shall prosecute the same to conviction, and the other half to the poor of the county in which such offence is committed.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

Chap. 381 An Act relative to the release of one or more joint debtors.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Creditors may release joint debtors.

SECTION 1. Any creditor or creditors to whom two or more persons are jointly indebted, either upon contract or the judgment of any court of record, may release one or more of the persons so jointly liable from such joint indebtedness; and such

Effect of release.

release shall operate as a satisfaction or discharge of such joint debt only to the amount of the proportion which the person released ought in equity, as between himself and the other joint debtor or debtors, to pay; and as to the balance of such joint debt, the contract or judgment, as the case may be, on which the same is owing, shall be and remain in full force as to the joint debtor or debtors not so released, and may be enforced

against him or them alone, the same as if such joint contract or judgment had been made by or rendered against him or them alone: Provided, that if the amount paid by the person released in any case to procure his release, shall exceed the proportion of such joint debt which he, as between himself and his co-debtor or creditors ought to pay, then such joint debt shall thereby be satisfied to the extent of the sum actually paid to procure such release: And provided, also, that if the person released is only a surety, his release shall operate as payment of such joint debt to the extent of the money actually paid by him to procure his release, and no further.

Remaining debt may be enforced against debtors. Proviso. Effect where person released is a surety.

SEC. 2. The provisions of the preceding section shall not so apply to joint debts, owing by one or more person or persons as principal and another or others as surety or sureties, as to permit the principal debtor or debtors to be released, without the discharge of his or their surety or sureties.

Provision not to release principal Debtors till sureties are released.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15th, 1851.
NELSON DEWEY.

An Act to authorise the construction of a bridge across Wolf river at Mukwa, in the county of Waupaca. **Chap. 382**

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That William N. Davis, Christian Linde, C. E. Holeart, Hiram Wilcox, Gilbert Avery, Lucas M. Miller, and Dudley C. Blodgett, their associates and assigns, shall have power to build and maintain a bridge across Wolf river, at the village of Mukwa, in the county of Waupaca.

Who may build a bridge.

SEC. 2. That said bridge shall not be less than eighteen feet wide, and shall be constructed with a draw over the channel of said river not less than fifty feet in width; and the said company, their associates and assigns, shall attend to the draw as to permit boats, rafts, and all other craft to pass through the same, at all times, free of charge, and without unnecessary delay.

Width of bridge and draw. Draw to be free.

SEC. 3. That the said company shall have power, after the completion of said bridge, to demand and collect tolls for passing over said bridge, as follows: For any vehicle drawn by a horse, eighteen cents; for any vehicle drawn by two horses or oxen, twenty-five cents; and for each additional horse or ox, cents; for a single horse and rider, twelve and a half cents;

Rates of toll.

for foot passengers, three cents; for all animals in droves, three cents each: Provided, that hogs and sheep shall not be taxed more than two cents each per head.

Proviso.

Rates to be posted.

Sec. 4. The said company shall keep posted up, in some conspicuous place on said bridge, the rates of toll allowed by this act.

When to take effect.

Sec. 5. This act shall be in force from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15th, 1851.
NELSON DEWEY.

Chap. 383

An Act to authorise the construction of a Dam across the Baraboo river.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Who may construct a dam.

Section 1. Ann Garrison, her heirs, associates, successors and assigns, are hereby authorised to erect and maintain a dam across the Baraboo river, at any point she or they may deem most suitable, on any land she or they, or either of them may own, on section twenty-seven, in town number twelve, of range seven east; and to make use of the water in said stream for propelling any kind of machinery she or they may see fit to erect, and to sell or lease the right to use said water to any person whomsoever: Provided, said dam shall be so constructed as not to interfere with any water privileges now improved on said stream, or overflow the lands of any individual.

Proviso.

When owners to construct a Lock.

Sec. 2. Whenever the Baraboo river shall be improved and rendered navigable to said dam, the owner or owners of said dam shall construct a convenient lock, not less than one hundred and twenty-five feet long between the gates, and thirty feet wide in the clear of the chamber, for the passage of boats, barges, and other water craft; the same to be completed and ready for use as before mentioned, when said river shall be improved; and the proprietor or proprietors of said dam shall maintain said lock, and shall attend the passage of all boats barges, and water craft through said lock, free of all charge to the owner thereof.

Dimensions of the same.

Passage of Lock to be free.

Slide to be constructed according to law.

Sec. 3. The said Ann Garrison, her associates, successors and assigns shall, whenever they construct said dam, also construct a slide or chute, of such dimensions as shall comply with the law upon that subject, approved March 2, 1849, applicable to the Wisconsin and its tributaries, for the passage of rafts over said dam.

Sec. 4. The legislature may at any time alter or amend this act. Who may amend act.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 15, 1851.
NELSON DEWEY.

An Act to incorporate the Omro and Waupun Plank Road Company. Chap. 384

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Wm. P. McAlister, Hiram Johnson, Marcus Terwilliger, Nathaniel Frank, W. W. Wilcox, Benj. C. Sawyer, Charles Hammond N. F. Beckwith, Seymour Wilcox, J. K. Smith, are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Omro and Waupun Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company; first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in the counties of Winnebago and Fond du Lac. Commissioners appointed to receive subscriptions on notice.

Sec. 2. The capital stock of said company shall be seventy thousand dollars, in shares of ten dollars each; and as soon as five hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in, or secured to the said company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic, by the name and style of the "Omro and Waupun Plank Road Company," with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal or mixed; and in their corporate name, may sue and be sued, may have a common seal, which they may alter or renew at pleasure; and generally may do all and singular the matters and things which an incorporated company may by law do. Capital stock—how divided. Conditional Corporate powers.

Sec. 3. The said commissioners, or a majority of them, after said five hundred shares of stock shall have been subscribed, as aforesaid, shall give at least twenty days' notice, in one or more of the newspapers of the said counties of Winnebago and Fond du Lac, of the time and place of the meeting Commissioners to give notice of election of directors.

of the stockholders, for the purpose of electing five directors, who shall hold their offices until their successors are elected, and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, published in one or more of the newspapers in the counties aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: Provided, that until the first election of directors, the said commissioners above named, upon the subscription of five hundred shares of stock, and the organising of said commissioners by the election by them of one of their number President, shall have all the powers and perform all the duties of a board of directors for said company; and the corporate existence of said company shall be taken and held to have begun and be as complete as if a regular election of directors had taken place; and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Proviso

Powers and duties of Commissioners:

Affairs how managed.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorised; and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote; and a majority of the votes cast shall govern, except in elections where the five persons having the greatest number of votes cast for directors shall be declared duly elected.

Stock to vote, &c.

General powers of Directors.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organise by choosing one of their number President, and they shall have power to appoint a Secretary and Treasurer, and such other officers and agents as they may deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of such agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of this State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

SEC. 6. The said board of directors shall also have power

to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon, for failure to pay such instalments as may be called for, and also to adopt, in behalf of the company, a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter, for or on account of the acts of said company or its officers. Directors may decide when and how instalments shall be paid.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name, and under the seal of said company, with any person or persons, as the execution and management of the work, as the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of the issuing of such certificate or certificates, which certificate or certificates shall be signed by the President, and countersigned by the Secretary of said company; and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. Directors may regulate tolls—issue certificate, &c. Certificates transferable.

Sec. 8. The said company shall have power to locate and construct a single or double track road from such eligible point in the village of Omro, Winnebago county, to or near the village of Waupun, in the county of Fond du Lac, and by the most eligible and practicable route, through or near Utica, West Rosendale and Pulaski, as the directors shall decide. The track of said road shall be constructed of plank, stone, in whole or in part, each at the option of the directors, so that the same when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages. Location Route and construction.

Sec. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: Provided, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, Appropriation of necessary lands how made. Compensation thereof. Proviso.

and they may also cut down such trees on each side of said road, as may endanger said road by falling or otherwise.

When Justices of Peace to issue warrants Summoning jury to assess damages

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance, as jurors, to furnish a pannel of nine jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him, her or them, strike off, each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road; and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to review the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation, when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued:

Justices to administer oath, &c.

Justice to transmit verdict to clerk of court.

Perfection of title by tender.

(and) [as if] it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: Provided, That it shall not be lawful for any justice and jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear, by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non compos mentis. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: Provided, That no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof.

Proviso.

Upon whom notice to be served.

Sec. 11. The directors [shall] have power in their discretion to construct said pank road along and upon any road, or highway, now or hereafter to be laid out, opened and established by the proper authorities, and of such width, and in such manner as the said directors shall determine: Provided, such right to use such public highway shall first be obtained from the supervisors of the proper town. And they may erect toll-gates, and exact toll from persons travelling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for every score of sheep or swine, one cent per mile, and for every score of neat cattle, four cents per mile: Provided, That persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate an animal or carriage, subject to toll, until the toll thereon is paid.

Directors may use public highways.

Proviso.

Rates of Toll.

Proviso.

Who to be exempt.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock

Directors may receive securities in payment of stock.

shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per centem, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes, for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, or any of them, in the same manner as if the same were made payable to individuals, or to their order or assigns.

Stock transferable.

Penalty for wilful obstruction &c.

SEC. 13. If any person shall wilfully, or knowingly, obstruct, break, injure, or destroy the said road, to be constructed by said company, or any part thereof, or any work, buildings, or fixtures attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall, each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county wherein the offence shall have been committed; and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for avoiding payment of toll.

SEC. 14. Any person who shall wilfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass such gate without having paid the legal toll, or shall, with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of said company, in an action of trespass.

Capital Stock—how increased.

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

Condition of Charter.

SEC. 16. If said company shall not, within three years from the passage of this act, commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not, within ten years from the passage of this act, construct, finish, and put in operation a single or double track plank road from Omro to Waupan, in the said counties of Winnebago and Fond du Lac, Wisconsin, then the rights, privileges

and powers of the said corporation under this act shall be null and void.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State, shall be received as evidence thereof. Rule of evidence.

SEC. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 17th, 1851.
NELSON DEWEY.

Act to authorise School District Number Four in the town of Waldwic, Iowa county, to draw its proportion of School monies for eighteen hundred and fifty. **Chap. 385**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for school district number in the town of Waldwic in the county of Iowa, to draw its portion of school monies for the year eighteen hundred and , in the same manner and to the same effect as is now provided by law, notwithstanding such district may not have hitherto complied with all the provisions of law to enable it to draw same. Monies may be lawfully drawn

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 17th, 1851.
NELSON DEWEY.

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to amend an act entitled "An Act to incorporate the Fort Winnebago and Duck Creek Plank Road Company," approved February 9th, 1850. **Chap. 386**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled "an act to incorporate the Winnebago and Duck Creek Plank Road Company" is so amended as to allow the erection of toll gates and collection of tolls on said road whenever the same shall be com- Act amended.

pleted, and all provisions contravening the provisions of this a
are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 17th, 1851.
NELSON DEWEY.

Chap. 387 An Act to vacate a part of the Territorial Road in Dodge county, surveyed by Victo M. Adams, under the direction of Isaac Noys and Benjamin Clason, commissioners and established by an Act of the Territorial Legislature, approved February 22d 1845.

The People of the State of Wisconsin represented in Sena and Assembly, do enact as follows:

Road vacated. Section 1. So much of a Territorial road as was surveye by Victor M. Adams, under the supervision of Isaac Noys a Benjamin Clason, commissioners, established by an act of t Territorial legislature, approved February 22nd, 1845, as ru through the lands of Stephen Drown, J. C. Hurd, M. B. Ha Durkee Lyon, and Isaac Noys, in the county of Dodge, be a the same is hereby vacated and discontinued.

When to take effect. Sec. 2. This act shall take effect and be in force from a after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 17th, 1851.
NELSON DEWEY.

Chap. 388. An Act concerning sales for taxes

The People of the State of Wisconsin represented in Se and Assembly, do enact as follows:

Lands bid off for the County subject to taxation and sale. Section 1. Section ninety-four of chapter fifteen of five of the revised statues is hereby amended, so that it s hereafter read as follows: All lands bid off for the coun provided in the preceding section, shall continue liable t taxed in the same manner as if such sale had not been and upon every return of such lands as delinquent to the ty treasurer, they shall be subject to sale under the stat gulations the same as all other lands which may be retur delinquent, and sold for the taxes and charges thereon vided, that if such lands are sold to any individual or in als, at any subsequent tax sale or tax sales, the title whic

accrue to such individual or individuals by virtue of such subsequent sale, can only be perfected by paying to the county the amount of the claim which may be recorded against such lands, by virtue of the preceding sale made to such county. Titles perfected only on payment of arrears.

Sec. 2. That all acts and parts of acts contravening the provisions of this law be and the same are hereby repealed. Acts repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 17th, 1851.
NELSON DEWEY.

An Act to provide for Clerks in the Offices of Secretary of State, State Treasurer and Superintendent of Public Instruction. **Chap. 389**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The Secretary of State, State Treasurer, and Superintendent of Public Instruction, are hereby authorised and required to employ at the expense of the State, the necessary clerks in their respective offices to be paid quarterly out of the State treasury, for which purpose an appropriation is hereby made: Provided, That such payment shall not exceed the sum of three hundred dollars per year to each of said offices. Certain State Officers to employ clerks. Proviso. Sum appropriated.

Sec. 2. So much of any law of this State as conflicts with the provisions of section one of this act, is hereby repealed. Conflicting acts repealed.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 17th, 1851.
NELSON DEWEY.

An Act to incorporate the Delaven Railroad Company. **Chap. 390**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. William C. Allen, Franklin K. Phœnix, Nicholas M. Harrington, Aaron H. Taggart, Otis Preston, Joseph P. Morrell, Jr., Thomas McHugh, Charles H. Sturtevant, Milo Kelsey, Philetus S. Carver, Samuel C. Kelsey, John L. Ward, James Mabie, Rial M. Weed, and Thomas James, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and

Name and powers of corporations.

assigns, are hereby created a body corporate by the name of the "Delavan Railroad Company;" and by that name shall be and are hereby made capable in law to purchase, hold, and enjoy and retain to them and their successors, lands, tenements, and hereditaments, so far as may be necessary for the purpose of said railroad; and the same to sell, grant, rent, or in any way dispose of, to contract and be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, and also to make, have, and to use a common seal, the same to alter, break, or to renew at their pleasure; and if either of the persons named in this section shall die, refuse, or neglect to execute the powers or to discharge the duties thereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur.

Who may fill vacancies.

Corporation may make surveys, &c.

SEC. 2. The said corporation are hereby empowered to cause such examination or surveys to be made, as shall be necessary to ascertain the most advantageous route whereon to construct a railroad, and shall cause an estimate to be made of the probable cost thereof, for each mile separately; and the said corporation shall be and are hereby invested with the right to construct a railroad, with one or more railways or tracks, from some convenient point in the village of Delavan, in the county of Walworth, to such points either within said county, on its line of boundary, or in the counties of Rock, Racine, and Kenosha, as may be deemed advisable by said corporation.

Route.

Capital stock—how divided.

SEC. 3. The capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of fifty dollars each, and five dollars on each share shall be paid at the time of subscribing.

Who to open books, time—where, &c.

SEC. 4. The above named persons, or a majority of them, are authorised to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription, which books shall be opened within ten years from the passage of said act, at such place or places as they may deem expedient, by giving thirty days' notice in some newspaper printed in said county, or by posting three notices in three conspicuous places in said county of Walworth, of the time and places or of the times and places of opening said books; the said books to be kept open sixty days.

Who to give notice of election of Directors.

SEC. 5. So soon as said stock, or twenty thousand dollars thereof shall have been subscribed, the above named persons or the same number thereof, as shall have given the notice as required, shall give like notice of the meeting of the stockholders to choose directors at some time at least thirty days from

after, and at some place within the said county of Walworth; and if at such time and place the holders of one half or more of said stock subscribed shall attend, either in person or by some lawful proxy, they shall proceed to choose from the stockholders, by ballot, nine directors, each share of capital stock entitling the owner to one vote; and at such election the persons named in the first section of this act, or those appointed by its provisions to fill vacancies which may have occurred, or any three of them if no more be present, shall be inspectors of such election, and shall certify in writing, signed by them or a majority of them, what persons are elected directors, and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be directors to complete the number required, and shall certify the same in like manner, and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting five shall form a board competent to transact all business of the company; and hereafter a new election of directors shall be made annually, at such time and places as the stockholders at their first meeting shall appoint; and if the stockholders shall fail to appoint, at their first meeting, the day of such election, then it shall be holden in the succeeding year, on the same day of the same month on which said first election was holden, unless the same be on the first day of the week, in which case it shall be holden on the next day succeeding; and if no election be made on the day appointed, said company shall not be dissolved, nor shall the office of the legal directors expire until their successors are elected, and such election may be made at any time appointed by the by-laws of said company; the directors shall elect one of their own number President, and shall appoint a Secretary, Treasurer, such engineers and other officers as they may find necessary, shall fix their compensation, and may require adequate security for the performance of their respective trusts.

Stock to vote.

Inspectors to determine result.

Annual Elections—when held.

Directors may elect and appoint certain officers

SEC. 6. The directors may receive payment to the subscriptions to the capital stock, at such time and in such proportions, not exceeding twenty-five per cent. at any one instalment, in such manner and under such conditions as they shall deem fit, under the penalty of forfeiture of all person's [previous] payments thereon or otherwise: Provided, they shall never require the payment to be made at any place out of the counties through which said road shall pass; and such directors shall, at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner provided in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

Payment of subscriptions—how made.

Proviso.

Notice to be given.

General powers of Directors.

SEC. 7. The directors of said company shall have power to make, from time to time, all needful rules, regulations, and by-laws touching the business of said company, and to determine the number of tracks upon said road, and the width thereof, and the description of carriages which may be used thereon, to regulate the amount of tolls and the manner of collecting the same for such transportations; and the said company may erect and maintain toll houses, and such buildings and fixtures as the accommodation of those using said road may require.

Occupation of Lands—when lawful

SEC. 8. The said company shall have the right to enter upon any lands, to survey and lay down said road, not exceeding one hundred feet in width, and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, as to the compensation to be paid therefor, the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors, insane persons or married women, the guardian or guardians of such minor or minors, and insane persons, and the husband of such married woman, may select for themselves

When parties may select arbitrators

a disinterested person, as an arbitrator, and the company shall select an arbitrator, and the two thus selected shall take to themselves a third person, who shall be sworn and paid by said company, as arbitrators between the parties, and render copies of their award to each of the parties in writing, from which

Parties may appeal to Court having jurisdiction.

award either party may appeal to the court of proper jurisdiction, in the county in which such lands or materials may have been situated, and in all cases in which compensation shall in any manner be claimed for lands where there has been no improvements made, it shall be the duty of the arbitrators and court to award fair compensation for such lands and materials

Appeals to be tried as other issues.

and appeals in such cases, shall when taken, be in all respects proceeded in as appeals in other cases in said courts, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same on the docket of said court, setting down the claimant or claimants as plaintiff, and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company said company shall have the same right to retain, hold, own and

Perfection of title by tender of valuation.

possess said lands and materials as fully and absolutely as the same had been granted and conveyed to said company by deed, as long as the same shall be used for the purposes of said road.

Company may use roads, &c., on certain conditions.

SEC. 9. The said company may construct the railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or wa

course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water, or water course, to the owner or the public.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.
Approved, March 17th, 1851.
NELSON DEWEY.

An Act to vacate a certain alley in the village of Greenbush, Sheboygan County. **Chap. 391**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The alley laid out on the section line between the lands of D. B. Conger and the town plat of the village of Greenbush, Sheboygan county, is hereby declared vacated. Declared vacated.

SEC. 2. This act shall take effect from and after its passage. When to take effect.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 17th, 1851.
NELSON DEWEY.

Act to establish the minimum price of the University Lands, and granting pre-emption rights thereon **Chap. 392**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The minimum price of the University lands shall be, and the same is hereby reduced to seven dollars per acre: Provided, that none of said lands shall be sold for less than their appraised value: and provided further, that nothing in this act shall be so construed as to prevent any person occupying any of said lands from proving up his or her pre-emption, and purchasing the same in accordance with the provisions of the Revised Statutes. Price reduced. Proviso. Pre-emption guarantied.

SEC. 2. It shall be the duty of the commissioners for the sale of School and University lands, to remit to all persons who heretofore purchased any of the University lands by pre-emption, the excess that any such person may have paid, or contracted to pay, over and above the appraised value of such land, and the amount of such excess shall be paid to such Commissioners to remit excess paid by former purchases.

person, or endorsed upon any such contract as remitted by the provisions of this act.

Conflicting acts repealed. SEC. 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

When to take effect. SEC. 4. This act shall take effect from and after its passage.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 17th, 1851.
NELSON DEWEY.

Chap. 393

An Act authorising the Register of deeds of Manitowoc County to obtain from the Register of Brown County certain instruments therein mentioned.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authority granted. SECTION 1. The register of deeds of Manitowoc county is hereby authorised to procure from the office of the register of deeds of Brown county a copy of all deeds, mortgages, assignments, satisfactions, bonds, and other instruments that are recorded in said office, wherein the county of Manitowoc may be interested, the expense of which shall be paid by the county of Manitowoc.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 17th, 1851.
NELSON DEWEY.

Chap. 394

An Act to incorporate the Madison Mutual Insurance Company.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Incorporation. SECTION 1. Leonard J. Farwell, Simeon Mills, Nathaniel B. Eddy, Franklin G. Tibbits, Benjamin F. Hopkins, and their associates, and all such persons as shall hereafter have property insured by the said company, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic in fact and in name, by the name of "The Madison Mutual Insurance Company."

Powers of corporation. SEC. 2. The said corporation hereby created shall have power and authority to make contracts of insurance with any person or persons, or any body corporate or politic, against

losses by fire of any houses, stores or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications and restrictions as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance.

Who deemed members.

Sec. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that L. J. Farwell, Simeon Mills, A. J. Ward, N. W. Dean, F. G. Tibbits, B. F. Hopkins, D. Atwood, John Catlin, E. B. Dean, Jr., William N. Seymour, N. B. Eddy, W. C. Wells, and William Welch, shall be the first directors of said corporation, and shall continue in office for the period of one year, and until others shall be chosen, and no longer. The directors shall be elected on the first Monday of January in each year, at such hour of the day at the village of Madison, in the county of Dane, and State of Wisconsin, as the board of directors for the time being shall appoint, of which election public notice shall be given in one or more of the public newspapers printed at Madison, at least thirty days preceding such election, and such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the members then present, or their proxies, allowing one vote for every hundred dollars each member shall have insured in said company, and every member may vote in person or by proxy at his pleasure, at any election of directors of said company, and his membership shall be ascertained by the records and entries in the office of the secretary of said company, and no oath shall be administered to any member offering to vote in person, or required to be attached to his appointment when offering to vote by proxy.

First Directors constituted.

When Directors annually elected hereafter.

Manner of election.

Sec. 4. The directors hereinbefore named shall, as soon as may be, after the passing of this act, and the directors to be chosen at such annual elections, shall, as soon as may be thereafter, proceed to choose out of their body one person to be President; and in case of the death, resignation or inability to serve of the President, or any director of said corporation, such vacancy may be filled for the remainder of the year by

Directors to choose a President.

the board of directors; and in case of the absence of the President, the board of directors shall have power to appoint a President pro tem. who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Special Elections—when may be held.

Sec. 5. If it shall at any time happen that an election of directors shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Policies of insurance, &c.,—when binding.

Sec. 6. The policies of insurance and other contracts founded thereon hereafter to be made or entered into by said corporation, though not under seal, if subscribed by the President, or in case of his absence, resignation, or inability to act, by such officer or officers, or person or persons as may be for that purpose authorised by the act of incorporation or by-laws of said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect to all intents and purposes, as if the seal of said corporation had been or was affixed thereto. And further, all such policies or contracts may be so signed and attested, and all other business of said corporation may be conducted and carried on by Committees or otherwise, without the presence of a board of directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of said corporation.

Business may be done by Committee.

Insured may assign Policy.

Sec. 7. In case any person or persons insured, named in any policy or contract of insurance made by said corporation hereby created, shall sell, or convey, or assign the property insured, during the time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers, such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his, her, or their own names: Provided, that before any loss happens, he, she, or they, shall obtain the consent in writing of said corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance.

Proviso.

Consent of corporation to be obtained.

Corporation may hold real estate as security, and sell the same.

Sec. 8. It shall and may be lawful for said corporation to take and hold any real estate, bona fide mortgaged to the said corporation by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is, or shall be authorised to do.

and also to purchase on sales made by virtue of any proceeding at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise receive and take any real estate in payment of, or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

Directors to be indemnified by members, and not to be answerable but for himself.

Sec. 9. The said directors, and such others as may be chosen by the said corporation, shall be indemnified, and saved harmless by the members of said corporation in proportion to the amounts of property that each and every member may have insured, at and after the rates of insurance of such property by the said corporation, in and for their giving out and signing policies of insurance, and other lawful acts, deeds and transactions, done and performed in pursuance of this act, and neither of the said directors shall be answerable for or charged with the faults, neglects, or mis-deeds of others of them.

Proportion of loss a lien on property insured.

Sec. 10. Every member of said company shall be, and is hereby bound to pay his proportion of the losses and expenses accruing in and to said company, and all buildings insured by said company, together with the right, title and interest of the insured to the lands on which they stand, shall be, and hereby are pledged to said company; and said company shall have a lien thereon against the insured during the continuance of his, her, or their policy, to the amount of the premium note deposited with said company, and no more, the lien to take effect whenever the said company shall cause to be filed in the office of the register of deeds of the county where the property is insured, a memorandum of the name of the individual insured, and a description of the property, the lien in no case to exceed one hundred dollars.

When lien to take effect.

Evidence in action for recovery.

Sec. 11. Whenever any assessment is made on any premium note given to the said company for any hazard taken by said company, or as consideration for any insurance issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, specifying such assessment and the amount due to said company on such note by means thereof, shall be taken and received as prima facie evidence thereof, in all courts and places whatsoever.

Persons committing certain acts deemed guilty of a misdemeanor.

Sec. 12. Any person who, as secretary, deputy secretary, clerk of said company, shall be guilty of any designed falsehood or fraud in the certificate authorised by the eleventh section of this act, shall be guilty of a misdemeanor; any person who shall personate or falsely affix the name of said secretary,

deputy, or clerk, to any such certificate, shall be guilty of a misdemeanor; any person to vote in person at any election of directors of said company, who shall falsely personate another, shall be guilty of a misdemeanor; and any person who shall falsely sign or affix the name of any person or member of this company to an appointment of a proxy, shall be guilty of a misdemeanor.

Penalties for misdemeanor.

SEC. 13. Any person convicted of a misdemeanor for any offense under this act, shall be sentenced to imprisonment in the county jail, for a term not exceeding six months, or, to pay a fine not exceeding fifty dollars, or to both, such fine and imprisonment at the discretion of the court before whom he or she may be convicted.

President and directors may appoint certain officers.

SEC. 14. The President and directors of said corporation shall have power to appoint such officers and agents as they may find necessary, prescribe their duties, and require bonds for the faithful performance thereof, and may, from time to time, adopt such by-laws and regulations for the business of said company as they may deem expedient—such by-laws and regulations not to be inconsistent with the Constitution and laws of the United States, or of this State; and such by-laws shall determine as near as practicable, the rates of insurance on the different classes of property, and the sums to be deposited for any insurance.

By-laws to determine classes and rates of insurance.

Directors to make oath, &c.

SEC. 15. The directors, before they execute any of the duties of their office, except choosing President, shall severally take an oath or affirmation that they will faithfully, diligently, honestly and impartially perform the duties of their respective offices, according to the best of their abilities.

Place of business

SEC. 16. The operations and business of the (Wisconsin [Madison] Mutual Insurance Company shall be carried on the village of Madison, State of Wisconsin; and this act shall take effect from and after its passage. The Legislature of this State may at any time alter, modify or repeal this act.

When to take effect, and who may alter, &c.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 17th, 1851.
NELSON DEWEY.

Chap. 395 An Act to amend an Act entitled "An Act to incorporate the Milwaukee Fire Insurance Company"

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Act amended.

SECTION 1. The fourth section of the act entitled

Act to incorporate the Milwaukee Mutual Fire Insurance Company, is hereby amended to read as follows: "Sec. 4. The rates of insurance shall be from time to time, fixed and regulated by the board of directors and premium notes therefor; and such percentage of cash as shall be required, shall be received from the insured. Such notes shall be paid at such time and in such manner, as the company shall from time to time require, and at the expiration of the term of insurance, the said notes, or such part of the same, as shall remain unpaid after deducting all losses and expenses during the term, shall be relinquished and given up to the makers thereof. The company shall have power in their discretion to make any and all insurance which by law they are or hereafter may be authorised to make, to any person or persons with whom they may agree to that effect for a specific rate of premium to be paid in cash in the same manner as Insurance Companies, other than Mutual Insurance Companies are accustomed to do, and in all such cases the insured shall not become members of the company, nor be in any wise entitled to any share of the profits, premiums, or earnings, nor in any wise liable for the losses, debts or liabilities of the said company, and all premiums received for such insurance shall be passed to the general credit of the company, and all losses growing out of said special policies, shall be paid in like manner as losses under the ordinary policies of the company. All stockholders or persons having notes in the company shall be liable to any person or persons receiving special insurances as provided in this section, in the same manner as they are under the ordinary insurances, and it shall be lawful for said company to loan such portion of their money on hand, as shall not be wanted immediately for the purposes of said company or corporation, to be secured by bond and mortgage on real estate of double the sum loaned above all incumbrances, for a term of time not exceeding one year, the interest to be paid half yearly, and in default of such payment the principal as well as interest to become immediately due and collectable. The 4th section for which the foregoing is substituted, is hereby repealed: Provided, however, That such repeal shall not affect any insurance or premium notes now in force."

Rates of insurance to be fixed by Board of directors

When premium notes to be given up.

Company may make insurance for a premium in cash.

Persons thus insured not entitled to privileges, or liable for losses as are members.

Persons having notes in company liable for special insurance as in ordinary cases.

Company may invest surplus capital.

Section repealed

Proviso.

SEC. 2. Said Milwaukee Mutual Fire Insurance Company shall have power to give up their old charter and organise under the "General Insurance Law: Provided, That such change shall be decided in favor of, by a majority of its members present at an annual meeting of the company, the same notice having been given that such question of change would be acted on as is given for the election of directors. The directors shall file in the office of the Secretary of State (for the com-

Company may give up old charter.

Proviso.

Notice same as election for Directors

Directors to file declaration, &c

pany) the declaration required in section 4, of the "act to provide for the incorporation of Insurance Companies," and comply with all the other requirements of said act, *except* as to opening books for the taking of stock, on receiving propositions for insurance: Provided, Such change shall in no wise affect the rights of persons insured in said company at the time of such change.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 17th, 1851.
NELSON DEWEY.

Chap. 396 An Act to legalise the acts of Jost L Petrie, Superintendent of Schools of the town of Concord

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Declared legal.

SECTION 1. That the acts of Jost D. Petrie, superintendent of schools of the town of Concord, in the county of Jefferson, as such superintendent are hereby declared to be legal and valid, notwithstanding his omission to file the official bond with the town clerk, within ten days, as is required by law.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 17, 1851.
NELSON DEWEY.

Chap. 397 An Act to incorporate the Fort Washington and Fond du Lac Plank Road Company

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed to receive subscriptions to stock.

SECTION 1. That Isaac C. Loomis, Barnum Blake, Orman Coe, Simeon P. Powers, S. Austin White, Willet A. Lawrence, Solon Johnson, George McWilliams, Benj. F. Moon, Keys A. Darling, Edward Beeson, ——— Bronson, John Sewall and William R. Longstreet, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Port Washington and Fond du Lac Plank Road Company, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' no-

of the times and places of taking subscriptions, by publishing the same in a newspaper in the county of Washington, and in the county of Fond du Lac.

Name of corporation.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, by the name and style of the Port Washington and Fond du Lac Plank Road Company, for the purpose of constructing a plank or charcoal road, from the town of Port Washington, in the county of Washington, to the town of Fond du Lac, in the county of Fond du Lac, which company shall have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and the same to sell and convey, or lease, to contract or be contracted with in all matters pertaining to the objects of said road, to have and to use a common seal, and pass all by-laws necessary for the government of said company.

Corporate powers.

Capital stock—how divided.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company. And the officers of said company shall be managed by a board of directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorised, and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of the stock shall be entitled to one vote, and the majority of the votes cast shall govern, excepting in elections when the nine persons having the greatest number of votes cast for directors, shall be declared duly elected.

Stock to vote.

When notice to be given to stockholders of an election of Directors.

SEC. 4. Whenever twenty thousand dollars of the capital stock of said company shall have been subscribed, and ten per cent. paid thereon to said commissioners for the use of said company, the said commissioners, or a majority of them, shall give at least twenty days' notice in one or more newspapers printed in the counties of Washington and Fond du Lac, of the time and place of the meeting of the stockholders, for the purpose of electing nine directors, who shall hold their offices for one year, and until their successors are elected; and thereafter the annual election for said directors shall be holden on the first Tuesday in January of each year: Provided, that whenever there shall be a vacancy in said board of directors, the said directors then holding, or a majority of them, shall have power to fill the same: And Provided further, that in case of failure to hold said annual meeting, and to elect directors as aforesaid, this charter shall not be forfeited, but a special

Proviso

Special meetings for election of Directors may be called.

meeting may at any time thereafter be called for the purpose of electing directors, by giving like notice as is required to be given for the first election under this charter; and the directors so chosen at such special meeting, shall proceed in the discharge of their duties in the same manner as if they had been elected at a regular annual meeting, and shall hold their offices until the next annual meeting, and until their successors shall be elected.

Directors to choose and appoint certain officers

SEC. 5. The board of directors shall organise by choosing one of their number President, and by appointing a Secretary and Treasurer, and when so organised shall have the right to locate and construct a single or double track plank or charcoal road, between the points mentioned in the second section of this act or any part of the distance; the track of the said road shall be constructed of timber and plank, charcoal, stone or gravel, or partly of each, so as to have a hard, smooth and even surface; the particular manner of building said road to be determined by the board of directors.

Construction of Road

Location to be determined by Directors.

SEC. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the supervisors of the town in which said road may be for the right to use such highway for the purposes of said road, and the supervisors of such towns are hereby authorised to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon.

Directors may contract for use of highways.

Appropriation of lands—when lawful.

SEC. 7. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying and locating said road, doing thereto no unnecessary damage, nor locating any such road through any orchard or garden without the consent of the owner thereof, nor through any buildings or any fixtures or erections for the purposes of trade and manufactures, or any yard or enclosure necessary to the use and enjoyment thereof, without permission from the owners; and when said route shall be determined by the said company it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands to the width of four rods; and also to take from any lands adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road; subject, however, to the payment of compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereafter directed and provided in case of lands.

Compensation to be made for lands taken.

SEC. 8. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road

any land upon which said road may be located, and the owner or owners thereof shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury that may be done to such lands by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside within the counties where the land lies. The expense incurred by said appraisers shall be defrayed by the company. But if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointments within twenty days after the requisition for that purpose upon him made, or if such owner shall be under legal disability or out of the State, then it shall be lawful for the Judge of the circuit court of the circuit in which such land lies, on application of either party, and at the cost and charge of said company, to appoint three disinterested persons of said county, to view and examine said land, and estimate the injury and damage, if any, in their judgment will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be (mutual) [entered] thereon. The said viewers shall be entitled to two dollars per day each for their services, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of such land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: Provided, that in case the owner of such land be under any legal disability, the cost of such assessment shall be paid by said company, and it shall be the duty of the appraisers in estimating such damages to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road: Provided further, that either party may appeal to said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: And Provided further, also, that upon payment or tender of payment of the sum specified in the report of said viewers or appraisers to the owners of said lands, or a deposit of the same for their benefit, with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

When parties may appoint appraisers to estimate damages.

Expense to be paid by Company.

When Judge of Circuit Court may appoint appraisers.

Appraisers to report to Court under oath, &c.

When Company to pay viewers.

When owners to pay costs.

Proviso.

Proviso.

Perfection of title upon tender of payment.

Directors may appoint certain officers.

SEC. 9. The directors of said company may appoint a Secretary, Treasurer, and such other officers as they may find necessary, and shall have full power to (divide,) [decide] the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person failing to pay any instalment so required to be paid, after advertisement of the same, for a period not less than sixty days in one or more newspapers, as hereinbefore provided. Provided, That no instalment called in at any one time shall exceed five dollars per share, and that no instalment shall be called by the directors without giving at least thirty days notice thereof in the newspapers as aforesaid.

Proviso.

Notice to be given requiring payment on instalments.

Certificates of stock to be issued. The same transferable.

SEC. 10. The directors elected as aforesaid shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for, or hold in said company, signed by the President and countersigned by the Secretary, and sealed with the common seal; subject however, to all the payments due, and to become due thereon, which stock may be transferable in person, or by attorney, executors, administrators, guardian, or trustees, under such regulations as may be provided in the by-laws of the company.

Directors to make an annual statement.

SEC. 11. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceeding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors or by any number of stockholders holding one fourth in amount in the capital stock of the company on like notice as is required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stock be then and there represented.

Special Meetings—how called.

Rates of toll.

SEC. 12. On the completion of said road, or any portion of the track not less than five consecutive miles, the company may erect one or more toll gates upon their roads, but not at a less distance than five miles apart, and may demand and receive such tolls as from time to time they think reasonable not exceeding two cents per mile for any vehicle drawn by two animals, one cent per mile for every additional animal; for every vehicle drawn by one animal, one cent per mile; for every horse and rider or led horse, one cent per mile; for every twenty sheep or swine, and for every twenty neat cattle, one cent per mile: Provided, It shall be the duty of said company during the month of January in each year, after the completion of such portion of the road as will authorise them to erect a toll gate or more toll gates, to make a report to the Legislature, se-

Proviso.

forth particularly, the amount of capital invested, the length of the road in operation, the expenses paid, and tolls collected the preceding year, and generally such information in regard to the affairs of the company as the Legislature may require, which report shall be verified by oath or affirmation of the President or Secretary and one of the directors of said company. Company to make an annual statement to Legislature.

Sec. 13. If any person shall wilfully and knowingly obstruct, or break, injure or destroy the road so to be constructed by said company, or any part thereof, or any work or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction, in the county wherein the offence shall have been committed. Penalty for wilful obstruction.

Sec 14. The property of every individual which may be invested in said corporation, shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, That all debts due said company from such individual, shall be first paid. Property subject to execution. Proviso.

Sec. 15. The debts and liabilities of said company shall not exceed in amount at any one time, fifty per cent. of its capital actually paid in; and if debts and liabilities shall at any time be increased to a greater amount than by this section provided for, the directors of said company shall be jointly and severally liable for such excess, in addition to their other liabilities in law, as provided for in this act. When Directors individually liable.

Sec. 16. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same. Capital stock—how increased.

Sec. 17. If said company shall not within five years from the passage of this act, commence the construction of said road, and shall not within ten years from the passage of this act, construct, finish and put in operation a single or double track of said road, from Port Washington to Fond du Lac aforesaid, then the rights, privileges and powers of the said corporation under this act, shall be null and void. Condition of Charter.

Sec. 18. Said company shall be liable for all injuries or damage, which any person may sustain in his or her person or property, by reason of said road being out of repair, or of any acts in said road. When company liable for damages.

Sec. 19. (When) this act shall be favorably construed to ef-

Rule of Construction and Evidence.

fect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence thereof.

Who may amend, and when to take effect.

SEC. 20. This act may be altered or amended by any future legislature of the State of Wisconsin, and shall be in force and take effect from and after its publication.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 17th, 1851.
NELSON DEWEY.

Chap. 398

An Act to appropriate to John T. Wilson the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated.

SECTION 1. There is hereby appropriated to John T. Wilson, out of any money in the treasury not otherwise appropriated, the sum of five dollars, for fixing press to stamp books, "public property," in March, one thousand eight hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 17th, 1851.
NELSON DEWEY.

Chap. 399

An Act to appropriate to J L Marsh the sum of money therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated.

SECTION 1. That the sum of ten dollars is hereby appropriated to J. L. Marsh, to be paid out of any money in the treasury not otherwise appropriated, in full for balance due him on appropriations, in the years 1847 and 1848, and never drawn from the treasury by him.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 17th, 1851.
NELSON DEWEY.

An Act to appropriate to J. W. Lewis the sum therein named. **Chap. 400**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to J. W. Lewis, out of any money in the treasury not otherwise appropriated, the sum of nine dollars and forty-three cents, in full for merchandise, and all other accounts against either the Territory or State of Wisconsin. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 17th, 1851.
NELSON DEWEY.

An Act to appropriate to Bird & Mill's the sum therein named. **Chap. 401**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated, out of any money in the treasury not otherwise appropriated, to Bird & Mills, the sum of ten dollars and fifty cents in full, for publishing an Act to provide for the permanent location of the seat of Justice, in the county of Washington, and for the division of said county, and the organization of the county of Tuskola, in the Washington County Blade. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 17th, 1851.
NELSON DEWEY.

An Act to appropriate to William Gausman the sum therein named. **Chap. 402**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to William Gausman, out of any money in the treasury not otherwise appropriated, the sum of four dollars and fifty cents, in full for repairing press in the office of Secretary of State, and attaching seal o the same. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 17th, 1851.
NELSON DEWEY.

Chap. 403 An Act to appropriate to Ole Torgeson the sum therein named.]

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to Ole Torgeson, out of any money in the treasury not otherwise appropriated, the sum of fifty dollars, for newspapers furnished the legislature at its present session.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 17th, 1851.
NELSON DEWEY.

Chap. 404 An Act to appropriate a certain sum of money therein named to Alden & Holt.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to Alden & Holt, out of any money in the treasury not otherwise appropriated, the sum of thirty dollars, in full for papers furnished the legislature.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved March 17, 1851.
NELSON DEWEY.

Chap. 405 An Act to appropriate to James Densmore the sum therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sum appropriated. SECTION 1. There is hereby appropriated to James Densmore, out of any money in the treasury not otherwise appropriated, the sum of fifty-four dollars, as pay in full for one hundred and twenty copies, weekly, of "Oshkosh Democrat," furnished the members of the legislature at its present session.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.
Approved, March 17th, 1851.
NELSON DEWEY.

An Act to apprppriate to James Campbell a certain sum of money therein named. **Chap. 406**

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to James Campbell, the sum of one hundred and sixty-eight dollars, out of any money in the treasury not otherwise appropriated, in full payment for furniture ordered by Mr. Hudson for the office of the Superintendent of Public Instruction, and for materials and work ordered by the Secretary of State for the year A. D., one thousand eight hundred and fifty. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 17th, 1851.
NELSON DEWEY.

An Act to pay to Moritz Schoeffler the sum therein named **Chap. 407**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Moritz Schoeffler, out of any money in the treasury not otherwise appropriated, the sum of one hundred and three dollars and ninety-five cents, for furnishing newspapers to the members of the assembly during the present session of the legislature. Sum appropriated.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 17th, 1851.
NELSON DEWEY.

RESOLVES

PASSED BY THE

LEGISLATIVE ASSEMBLY.

Joint Resolutions in relation to the Honorable Isaac J. Walker. Chap. 1.

Resolved by the Senate and Assembly of the State of Wisconsin, That so much of the joint resolution of the Legislative Assembly of Wisconsin, passed thirty-first March, A. D. eighteen hundred and forty-nine, as censure the Honorable Isaac J. Walker, and the instructions in said resolutions relative to his resigning his seat in the Senate of the United States, be and the same are hereby rescinded: *Provided*, Nothing in this resolution contained, shall be considered as censuring or disapproving of the course of the Honorable Henry Dodge, or any of the former or present members of Congress from the State of Wisconsin.

Resolved, That the Governor is requested to forward a copy of the foregoing resolution to the President of the Senate of the United States, and to each of our Senators and Representatives in Congress.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved January 22nd, 1851.
NELSON DEWEY.

Joint Resolutions in relation to a grant of Land to the University of Wisconsin. Chap. 2.

Resolved by the Senate and Assembly of the State of Wisconsin, That the Congress of the United States, be, and is hereby requested so to alter and modify the fourth clause of the seventh section of an act of Congress entitled an act to enable the people of Wisconsin Territory to form a Constitution and State Government, and for the admission of such State into the Union, approved August sixth, eighteen hundred and forty-six, to change the grant therein of all salt springs within said

State, not exceeding twelve in number, with the land granted adjacent to such springs, in such manner as will authorise the State to select in legal divisions and sub-divisions from any land within this State, belonging to the United States, the quantity of land mentioned in said grant, and for the use of the State University.

Resolved, That the Senators and Representatives in Congress from this State, be, and they are hereby requested to urge the passage of a law by Congress in accordance with the foregoing resolution, and that the Governor of this State, be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 29th, 1851.

NELSON DEWEY.

MEMORIALS

PASSED BY THE

LEGISLATIVE ASSEMBLY.

Memorial to his Excellency the President of the United States. **Chap. 1**

The Senate and Assembly of the State of Wisconsin, respectfully represent:

That the large and rapidly increasing population of the late Menomonee Purchase, on the north side of Fox river, is without a precedent in the history of the settlement of our State; and for the convenience of the people residing thereon, and for the settlement and prosperity of Northern Wisconsin, your memorialists are desirous that the United States survey of those lands be made without delay, with a view that the people residing thereon may come into the quiet and peaceable possession of their property and homes, and to prevent strife and contention that must unavoidably grow out of the conflicting land claims among the settlers. Great complaints are being made by the people upon said land for the want of some system of government to enable them to open and improve roads, and do such other business as becomes necessary in the settlement of a new country. Your memorialists further urge as a reason that your Excellency's immediate action should be had upon this subject, is, that the improvement of the Fox and Wisconsin rivers should be prosecuted vigorously, but want of funds arising from the sale of lands donated for that purpose has induced a temporary suspension of this important work.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 22nd, 1851.
NELSON DEWEY.

Memorial to Congress in relation to a Light House at La Pointe. **Chap. 2**

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the town of La Pointe is situated on a large island,

near the southern shore of Lake Superior, with a narrow channel intervening between it and the main land of Wisconsin, and has a spacious and convenient harbor, sufficient to afford a safe mooring for the largest fleet, and offering the only accessible port along a rugged coast of five hundred miles in extent; That the commerce of the place is fast increasing, and in view of facts, that it is here that all the principal roads leading from Minnesota and the valley of the St. Croix river, running northward to said lake must terminate, and all the shipping of a vast extent of country must of necessity concentrate, the need of providing the means for a safe approach to the harbor mentioned is too apparent to require proof.

Your memorialist, therefore, request your honorable body to appropriate a sufficient sum to build a light house at said port of La Pointe.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 24th, 1851.
NELSON DEWEY.

Chap. 3. **Memorial to Congress asking for an appropriation to open a road from Twin Rivers to the Door.**

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Senate and Assembly of the State of Wisconsin, respectfully represents:

That the opening of a road from Twin Rivers, in the county of Manitowoc, to the Door on the north of the Peninsula, is a work of importance to the inhabitants in that section of country, who are now nearly destitute of an overland means of communication with any settled portion of the State.

Our fellow citizens residing in that section of the country are for six months of the year nearly isolated, as the communications by water are closed during the winter months, and their only means of access to the settled portions of the State is through the medium of trails, impassable with teams or beasts of burthen.

The land has been surveyed for twelve years, and but small sales have been made, and your memorialists, believing that said road will turn the tide of emigration into that section of country, and thereby greatly increase the sale of said lands to the benefit of the United States, your memorialists would therefore most respectfully ask your honorable body to make

suitable appropriation, either in money or lands, to assist in laying out and constructing a good wagon road as above designated, if in land, say a tract equal to one section, along the who [le] line of said road.

Your memorialists would respectfully request the favorable attention of Congress to the subject.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 29th, 1851.
NELSON DEWEY.

Memorial to Congress asking for an appropriation to build a Light House at Bailey's Harbor. **Chap. 4**

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Senate and Assembly of the State of Wisconsin in Legislature assembled, respectfully represent:

That there is on the western shore of Lake Michigan twenty-five miles south of the Door, a harbor known as "Bailey's Harbor," and which is the only good natural harbor on the western shore of said lake, and where a settlement is forming, and where a pier and other improvements are being made; and your memorialists would also respectfully represent, that the business on the western shore of Lake Michigan is so increased, that it becomes necessary for the regular line of steamers to abandon the route heretofore used from Mackinaw to Manitowoc Island, and thence to Milwaukee, and adopt the new route from Mackinaw to Big Beaver, thence to Bailey's Harbor, Kewannee, Twin Rivers, Manitowoc, Sheboygan, Port Washington and Ulloa, to Milwaukee, making the distance only about ten miles longer, thereby enabling them to pick up all the business on this shore, and which is accumulating very rapidly. And your Memoralists believing, that for the safety and convenience of vessels navigating the north-western Lakes, a light-house is much needed at that point, would most respectfully ask your Honorable body to make an appropriation sufficient to build a light-house with a revolving light, at the point above named.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, January 29th, 1851.
NELSON DEWEY.

Chap. 5 A Memorial to Congress asking a donation of land for the improvement of Black River.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Senate and Assembly of the State of Wisconsin, most respectfully represent:

That the great interests of the State of Wisconsin, north of the Wisconsin river, demand the opening to navigation of the Black river at its confluence with the Mississippi. That this river is navigable for at least ninety miles, through a rich though uncultivated soil, as yet mostly in the hands of Government, and that it will be but consulting the interest of the state and the general government, to set apart at least two townships of land for the opening of said river at its mouth.

FREDERICK W. HORN,
Speaker of the Assembly,
SAMUEL W. BEALL,
Lt. Governor and President of the Senate

Approved, February 10th, 1851.
NELSON DEWEY.

Chap. 6 Memorial to Congress in relation to Fort Crawford.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That from the petition of the Board of Supervisors of the county of Crawford in this State, herewith forwarded to your Honorable body for consideration, it appears that said county of Crawford has a valid and prior title to the land upon which Fort Crawford in said county was built, including the hospital but not other lands and buildings, appendages to said Fort. That said board, in behalf of said county, proposes to relinquish said title to the State, upon condition that Congress will grant to the State, for the purposes of education, the other lands and buildings attached to said Fort, and belonging to the United States, and that the Legislature constitute of said Fort, a college of learning, to be made out and constituted a branch of the State University, under the provision of the constitution of the State. There appears to be no grounds to question the validity of the title in said county, which must militate against the sale of the said Fort by the government to private individuals and speculators, as there seems to be no further use for said Fort to be occupied by the United States troops, it being

acated; and it appearing that the buildings and other improvements are fast going to decay, and will, unless repaired and ared for, soon be a heap of ruins, valueless to both the government and the country, and as it has been the manifest policy of he government to make liberal donations of land to the new tates, formed out of the public domain, for the purposes of ducation, thereby laying the strongest and best basis for seuring the institutions of freedom, by providing for the educaon of the youth of the land, and also greatly facilitating the le and settlement of the public domain.

Your memorialists respectfully pray your honorable body to ant Fort Crawford, and the lands and appurtenances thereto longing, to this State, for the purposes of education, that a llege, to be a branch of the State University may be constited thereof.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 10th, 1851.
NELSON DEWEY.

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morial to the Congress of the United States in relation to the establishment of a Mail Route. **Chap. 7**

The People of the State of Wisconsin represented in Senate Assembly:

The memorial of the legislature of the State of Wisconsin pectfully represent:

That the interest and convenience of a large majority of the zens of the county of St. Croix, are concerned in the establhment of a mail route from Prescott, at the mouth of Lake Croix, via Willow river and Osceola, to the Falls of St. x.

our memorialists further state, that it would be a great ben- to the people residing in that portion of the state, many of m are now destitute of mail facilities, and the remainder lied in a very imperfect manner. And your memorialists of opinion that the establishment of the proposed route d be a source of revenue to the department, affording mail ties to a portion of the state rapidly filling up with enter- ng and industrious settlers, and that the whole distance d not exceed sixty miles.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

proved, February 15th, 1851. NELSON DEWEY.

Chap. 8 Memorial to the President and Congress of the United States, relative to trespasses on the Public Lands.

To the President and Congress of the United States.

The memorial of the Senate and Assembly of the State of Wisconsin respectfully sheweth:

That the people of the northern portion of the State of Wisconsin are suffering great inconvenience and embarrassment in consequence of the proceedings instituted by the officers of the general government, against persons engaged in the manufacture and sale of pine lumber, from timbers obtained on the public lands. It is a well known fact, that from the earliest settlement of the State, a numerous class of our citizens have been engaged in lumbering (as it is termed), upon these lands without being regarded or molested as trespassers. That the occupation has been considered as both laudable and lawful, in view of the necessities of the people of the State, and the prosecution of it has materially aided in the settlement and prosperity of the country. In consequence of the long forbearance of the general government to prosecute for trespass on these lands, for the purpose aforesaid, the construction which had been given to the law now sought to be enforced, that its provisions were intended to apply only to live oak [for naval purposes], and other timber suited to such purposes seemed confirmed; and encouraged by this seeming acquiescence of the government in such construction, as well as the increasing wants of the people, a large amount of capital has been invested in the business, and its continual prosecution is essentially necessary for the better comfort and convenience of that portion of the people of the State, who are rapidly filling up its northern section.

Your memorialists do therefore respectfully request that the order from the Department of the Interior, directing the seizure and confiscation of pine lumber manufactured from timber grown on the public lands of this State may be revoked; and all prosecutions in their behalf be suspended, until those engaged in lumbering can have the opportunity to supply themselves with the material by purchases of the necessary lands. And to enable them to do so, your memorialists further request [that] the pine lands on the Wolf, Black, Chippewa, St. Croix and Wisconsin rivers and their tributary streams may be immediately surveyed and brought into the market for sale.

Resolved, by the Senate and Assembly of the State of Wisconsin, That our Senators in Congress be instructed, and our Representatives requested, to use their influence for the relief of our citizens as contemplated in the above memorial.

Resolved, That the Secretary of State be requested to for

ward forthwith to the President of the United States, and to our Senators and Representatives in Congress, a copy of the memorial and these resolutions.

FREDERICK W. HORN,
Speaker of the Assembly.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 21st, 1851.
NELSON DEWEY.

Memorial to the Congress of the United States in relation to the improvement of the Portland Canal, in the State of Kentucky. **Chap. 9**

The People of the State of Wisconsin represented in Senate and Assembly.

The memorial of the legislature of the State of Wisconsin respectfully represents:

That the Louisville and Portland Canal, constructed with the aid of the Government of the United States, and in which it is now a large owner, was of incalculable service to Western States for several years after its construction, that its capacity was at first enough to give ample accommodation, but within the past few years, such has been the increase of the population and business of the State of Ohio, and the West, that it can now no longer serve the increased growth and wants of western commerce, but is a grievous injury to the business and navigation of the whole western country.

Your memorialists represent, that owing to the contracted size of this Canal, that boats of a greater dimension than one hundred and eighty-five feet long, and fifty feet wide, or of a capacity for carrying more than from 500 to 700 tons weight, cannot pass this Canal; that to carry such weight, their hulls have to be made of an unsuitable model for speed and safety, that they require a steam power to propel them, which would propel well-modeled boats of double capacity, at a much greater rate of speed; that the increased freights which your petitioners have thus to pay, the loss of interest they sustain, the loss of property and life annually arising from the use of boats of unsuitable size and model, (annually imputed to western recklessness,) are especial evils calling for complete and immediate relief.

Your memorialists further represent, the taxes or tolls paid by boats passing this canal, is a heavy burden, especially as now placed upon insufficient accommodation, that the city of Cincinnati alone pays about 60,000 dollars annually in tolls, that the amount of tolls levied on commerce passing this Canal since

the year 1831, until the year 1849, was upwards of two millions of dollars; that the income of the Canal appertaining to the stock owned by the United States, has of late, your memorialists are led to believe, not been applied to the purchase of its stock, but has accumulated to a large sum, which your memorialists pray may soon by the action of Congress, be made active for their relief.

Your memorialists further represent, that, owing to the action of the General Government in reference to this canal, in desiring to apply its income to the purchase of canal stock in order to become its sole owner, private enterprise has been prevented from engaging in the construction of a canal on the Indiana side of the river around the falls of the Ohio, of suitable dimensions.

Your memorialists represent, that, a review of statistics in the public archives will shew an amount of upwards of sixty-five millions of dollars passing the falls of the Ohio annually, and affected injuriously by the insufficiency of the Canal in question, taxed by tolls, extra freights, extra insurance and damage and loss, that while the Ports of the Lake and Atlantic coast, through which passes an equal amount of export and import goods, receive annually sums sufficient for our permanent relief, expended on their fortifications, break-waters, light-houses, buoys, improved channels and surveys, the western rivers have been passed by with but trifling appropriations for their improvement, and western commerce injuriously neglected.

Your memorialists present no distinct plan for carrying out their wishes—they desire simply to be heard in the councils of the country, as suffering hardship from cause which it is the power and is the duty of the government to remove, and relying upon its justice, they pray that their memorial may be received in the spirit of inquiry and candor, and that prompt action, which an examination of facts will determine.

GEORGE H. WALKER,
Speaker of the Assembly pro tem.
SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, February 27th, 1851.
NELSON DEWEY.

Chap. 10 Memorial to Congress for a grant of land to aid in the improvement of the Wisconsin river, from Fort Winnebago to Beaulieux Rapids.

To the Honorable Senate and House of Representatives of the United States.

This memorial of the Senate and Assembly of the State of Wisconsin respectfully sheweth:

That the improvement of the navigation of Fox and Wisconsin rivers is, and ever has been, treated by the general government as a work of national importance, to carry on which, Congress has heretofore granted to the State of Wisconsin a certain quantity of land on each bank of the Fox river.

Your memorialists also represent: That the improvement of the navigation of the Upper Wisconsin, at least so far as to admit the unobstructed descent of lumber, rafts, flatboats, &c., is a work having a very natural and intimate connection with the one already spoken of; the lumber trade of the Upper Wisconsin, alone, is a matter of very great importance. The amount of pine lumber manufactured annually on the Upper Wisconsin exceeds fifty millions of feet, and every year increasing; the value of that vast product is diminished so much as two dollars per thousand feet in consequence of the expense incurred in running it over the various rapids on that river, above Fort Winnebago; your memorialists therefore pray your honorable body to make to the State of Wisconsin a grant of land of the odd numbered sections, for the distance of three miles, upon each bank of the Wisconsin river, from the Winnebago Portage to Beaulieux Rapids, in trust, that the State shall sell such lands and apply so much of their proceeds as may be necessary to the improvement of the navigation of the Upper Wisconsin river.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 1st, 1851. NELSON DEWEY.

Memorial to Congress asking for a mail route from the village of West Bend to the town of Wayne in the county of Washington Chap. 11

The Memorial of the Legislature of Wisconsin respectfully represents:

That the people of the town of Wayne and a large portion of the surrounding country, in the county of Washington, are destitute of mail facilities, and that this portion of the country is being rapidly settled by industrious and enterprising citizens, and would therefore pray your honorable body to establish a weekly mail route from the village of West Bend to the centre of the town of Wayne in said county, a distance of nine or ten miles.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 18th, 1851. NELSON DEWEY.

Chap. 12 Memorial to Congress in relation to a mail route.

To the Honorable the Senate and House of Representatives of the United States.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the citizens of a densely populated and large portion of country are concerned in the establishment of a tri-weekly mail, from Janesville, through Fulton, Cooksville, Dunkirk, Bass Lake, Dunn, and Lake View to Madison. Your memorialists, therefore, respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.
NELSON DEWEY.

Chap. 13 Memorial to Congress in relation to a mail route.

To the Honorable the Senate and House of Representatives of the United States.

The memorial of the Legislature of the State of Wisconsin respectfully represents.

That the interest and convenience of the citizens of a densely populated and large portion of country are concerned in the establishment of a tri-weekly mail from Milwaukee, via Waukesha, Waterville, Golden Lake, Crowders, Jefferson, Oakland, and Cambridge to Madison. Your memorialists therefore respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 13th, 1851.
NELSON DEWEY.

Chap. 14 A Memorial to Congress for a grant of land to aid in the construction of a Railroad from the Winnebago to the mouth of the St. Croix river, on the Mississippi river.

To the Honorable the Senate and House of Representatives of the United States:

The memorial of the legislature of the State of Wisconsin respectfully represent:

That at its present session, an act has been passed and approved by his Excellancy the Governor of the State of Wisconsin incorporating the Fort Winnebago, Baraboo Valley, and Minnesota Railroad Company, which said company propose constructing a railroad connecting the Fox River Improvement at Fort Winnebago with the Mississippi river, at or near the mouth of the St. Croix river. Your memorialists further represent, that a railroad connecting the Fox River Improvement at Fort Winnebago with the Mississippi river, at or near the mouth of the St. Croix river would greatly enhance the national importance and advantages of the Fox River Improvement, for which important work the people of the west are indebted to the liberality evinced in former years by your Honorable body. Your memorialists would further represent, that the construction of the proposed road would open the nearest and most direct avenue of transportation from the Lakes to the Minnesota country, the paramount interests of which valuable section of our country, together with the interests of the section of country through which the proposed road would pass, are eminently agricultural; which interests for their prosperity or depression will be chiefly dependant upon the facilities afforded for the transportation of their products to the markets of the East; aside from the immediate and apparent benefits accruing from opening avenues of transportation to facilitate the exchange of the vast productions of agricultural industry of the West, for the commodities which will be supplied by commercial enterprise, activity and capital in the East; the construction and completion of the proposed road would invite to cultivation and rapid improvement large sections of country now comparatively unoccupied, and which for years must otherwise remain unoccupied, though they embrace lands unsurpassed anywhere in richness and productiveness of soil. In view of the additional national importance which the construction and completion of the proposed road would give to the Fox River Improvement, which when fully completed will be a measure, not alone pecuniarly benefitting the State of Wisconsin, but advancing the interests of our common country; in view of the incalculable benefits which the construction of this railroad would be to the territory of Minnesota, whose interests claim the fostering care of your Honorable bodies; in view of the great advantages which the construction of this road would be to the vast region of country through which it would pass, which only awaits the means of transportation to market for its resources to be fully developed, its lands to be densely populated and cultivated; in view of the political advantages attained, by connecting by means of said roads the extremities of our widely spread

republic, thus binding our population with links stronger than iron; promoting our intercourse, facilitating our commerce, and developing all the sources of our genius and wealth; your memorialists perceive motives for your honorable bodies to grant such means as may be necessary to aid in the construction and completion of a project embracing such comprehensive interests. The liberality evinced by your Honorable bodies in granting lands to aid in the construction and completion of great public works throughout the Union, encourage your memorialists to hope that the attention of your Honorable bodies will be directed to this interesting portion of our country, that all constitutional means will be adopted to develop its immense resources, that the power of the General Government may be brought to co-operate with individual enterprise in constructing so great and important a work, the cost of which is too considerable to be borne alone by the citizens of this newly settled portion of our country. Your memorialists, therefore, ask your Honorable bodies to grant to the State of Wisconsin, in aid of the construction of the above proposed railroad, every alternate section, for six sections in width, which may be owned by the United States, on each side of said road, when the line or route of said road is definitely fixed.

FREDERICK W. HORN,
Speaker of the Assembly,
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 15, 1851.
NELSON DEWEY.

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TATE OF WISCONSIN,
SECRETARY'S OFFICE,

I have compared the Acts, Resolutions and Memorials contained in this book with the originals
osited in this office, and do hereby certify that the same appear to have been correctly printed,
epting such errors as are corrected in the following ERRATA, and such minor variations as do
hange the meaning or sense of the original text.

WItness my hand and the Great Seal of the State at Madison, this fifteenth day of M
L. S. A. D 1851.

WM. A. BARSTOW, SECRETARY OF STAT

ERRATA.

Page 9, Chap. 8, Sec 1, line five, for *forty-nine* read "fifty-nine."
Page 15, Chap. 21, sec 1, for first three lines read, "It shall be the duty of the Commissioners o
chool and University Lands to convey to the United States of America, in the same manner
ber School lands are by them conveyed, the following described lands."
Page 29, Chap. 37, in title, for *rejectment* read "ejectment;" and for Approved *January* 29th,
nd "Approved February 4th, 1851."
Page 29, Chap 38, for Approved *January* 29th, read "Approved February 4th"
Page 38, Chap 54, Sec. 1, last line, before *Iowa*, read Grant and also "in one printed in the county
Page 198, Sec 1, for *Joan C. Holmes*, read John E. Homles;" and for *E. W. Graves*, read "D.
raves."
Page 228, Chap 220, read "Sec 9 This act shall take effect from and after its passage."
Page 222, Sec 289, for *Brigham*, read "Bingham"
Page 23 Chap. 241, Sec 1, line six, for *Stowund*, read "Stow and."
Page 24 ne five, for *Rock* read "Bark"
Page 256, hap 262, line six, for *Beard* read "Baird;" and for *Loy*, read "Loy."
Page 258, C p 262, line six, Sec 7, for *the amount of tolls*, read "and determine the price for tra
rtation of l ght and the fare of passengers."
Page 27 Chap. 268, line one, for *Lelotes*, read "Zelotus;" and line two, for *Brecker* read "Becke
Page 27 line thirty eight, for *examinarion* read "execution."
Page 27 line five, for *such* read "each"
Page 27 Chap 280, for D. Haltzr, read D Holt, Jr.
Page Chap 281, for *Carmen & Ladd*, read "Cannen & Ladd"
Page 27 Chap 282, for *ten* read "two," in line two
Page 280, Chap 285, Sec. 1, line five, for *N. S* read "U. S."
Page 280, Chap 286, Sec 2, line six, for *executing* read "Executive"
Page 281, Chap 287, Sec. 2, line two, for *election* read "appointment;" and Sec 12, line one, for
d "five;" and in the last line, for *elected* read "appointed"
Page 284, Chap 288, line nine, after *license*, read, "to be recovered in the name of the County Tre
r before any Justice of the Peace in an action of debt."
Page 287, Chap. 291, sec 1, line seven, for *sixty cents* read "sixteen cents"
Page 290, Chap 297, line two, for *Donemon*, read "Douzman;" and for *Oliet*, read "Vilet," in li
ne
Page 298, Sec 6, for *Oliet* read "Vliet."
Page 299, Chap 308, line four, for *Waxcoma* read "Wsucoma."
Page 345, Chap 315, title, before *Contingent* read "payment of the"
Page 348, Sec 13, line two, for *ninety-five* read "twhnty-one!"
Page 349, Chap 322, for *Hespin* read "Halpin,"
Page 351, Sec 4, line two, for *increase* read "income." and Sec. 5, line three, for *fifteen* read "f
four"
Page 360, Sec , line six, for *number*, read "number"
Page 361, Sec line three, for *already*, read "actually."
Page 362, Sec 1 Chap 333, line one, for *four*, read "[four]."
Page 368, Chap 340, for *Belfast*, read "Beloit"
Page 372, Sec 1, line two, for *Charles E. Glinger*, read "Charles Elsinger"
Page 383, line one, for *and* read "out."
Page 388, line six Chap. 354, for *writ* read "suit;" and line ten, for *re vexit* read "*ret vexit*."
Page 393, Chap 365, for *H Ladd*, read "H. Sadd"
Page 395, Chap 368, line four, strike out the word "five."
Page 398 Sec. 4, line eight, for *Appointed*, read "Approved."
Page 403, line se for *balance*, read "ballot."
Page 418, Sec. 7, line after *transportation*, read "and to direct the mode and condition of transp
f the took aforesaid;" and Sec. 8, enclose all between the words *minor* in line eight and *person*
e nine, in *brackets*.
Page 427, Sec 8, line five, for *Officers*, read "affairs.
Page 437, for *Isaac J. Walker*, read "Isaac P. Walker."

NOTE.—In preparing these acts for publication, where a superfluous word has been found
rolled bill, it has been printed in the text, but in italics, and enclosed in parenthesis,
here a word has been found necessary to sustain the sense of the context, or where one word h
en obviously mistaken for another, the word supposed to be proper has been supplied, but in brack
s, [thus]; this adopting a plan heretofore adopted in publishing the laws, for the sake of uniformity

ERRATA.

[This detached list of errata should have appeared on the opposite page. It has been carefully compared with the copy of the original draft sent to the Public Printer, and is found to be correct.]

Page 41, Sec. 12, between lines 8 and 9, insert "either party and as the cost and charge of"

Page 44, Chap. 54, read "Sec. 24. This act shall be in force and after its passage."

Page 49, Chap. 65, Title, for 1851 read "1850."

Page 53, Chap. 70, Sec. 4, line 3, strike out the words "*and fifth*"

Page 57, Chap. 78, for *Wanpacca*, read "Waupacca."

Page 58, Chap. 78, Sec. 4, line 11, for *Assessors*, read "Assessor,"

Page 63, Chap. 88, Sec. 1, line 2, for *wherever*, read "whenever."

Page 72, Chap. 94, Sec. 1, line 4, for *Rounthall*, read "Rosenthall"

Page 82, Chap. 96, Sec. 6, line 3, for *order*, read "advice."

Page 90, Chap. 111, Sec. 1, line 1, for *John H. Hoorer* read "Joseph H. Hoover."

Page 90, Chap. 111, Sec. 1, line 1, for *E. B. Walcott*, read "E. B. Wolcott."

Page 90, Chap. 111, Sec. 1, line 3, for *C. M. Hunter*, read "E. M. Hunter."

Page 110, Chap. 134, line 1 from top, for *and the*, read "to the."

Page 112, Chap. 138, Sec. 1, line 6, after twenty-one, insert "and twenty-two."

Page 122, line 1, for *purpose*, read "purchase."

Page 127, Chap. 146, Sec. 1, line 5, for *Hill*, read "Mill."

Page 144, Chap. 159, Sec. 24, line 3, for *on* read "or."

Page 155, Chap. 162, Sec. 5, line 7, after the words "costs of s*uit*" insert "for each and every offence, and in the case of the non-payment of such fine and costs of suit."

Page 168, Chap. 170, Sec. 1, line 5, for *thirtieth*, read "thirteenth."

Page 175, Chap. 175. Sec. 8, line 4, strike out "on lots nine, ten and fourteen in section five town ten range twelve."

Page 175, Chap. 175, Sec. 9, line 1, for *five*, read "three."

Page 190, top line, for *such*, read "each."

Page 191, Chap. 179, Sec. 2, line 2, strike out *State*, and *near*, insert "of the Board of Public Works."

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